

By Mr. SUMNERS of Texas:

H. R. 8786. A bill for the relief of William A. Martin; to the Committee on Invalid Pensions.

By Mr. VAN ZANDT:

H. R. 8787. A bill granting an increase of pension to Elizabeth Fleck; to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6799. By Mr. CLASON: Petition of Grace H. O'Donnell and other citizens of Northampton, Mass., members of the Mothers of American Sons, petitioning for the early passage of House Joint Resolution 408; to the Committee on Military Affairs.

6800. By Mr. FULMER: Resolution by the South Carolina farmers, in session, Columbia, S. C., endorsing Senate bill 591, providing for an extension of the powers granted to the United States Housing Authority specifically providing for not less than two hundred million to be used for rural housing; to the Committee on Banking and Currency.

6801. By Mr. MARTIN J. KENNEDY: Petition of the United Irish-American Societies of New York, New York City, opposing the proposed St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6802. By Mr. KEOGH: Petition of the United Irish-American Societies of New York, concerning the St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6803. By Mr. RABAUT: Petition of the National Woman's Party, Michigan branch, by Olive E. Hurlburt, chairman of the State council, asking that the equal-rights amendment be favorably reported immediately to both Houses of Congress, and by them submitted to the people of the country for ratification; to the Committee on the Judiciary.

6804. By Mr. SCHIFFLER: Petition of Mr. and Mrs. Charles Hickman, Jr., and other citizens of Brooke County, W. Va., urging that all questions violating the rights and privacy of American citizens be stricken out of the 1940 census questionnaire; to the Committee on Ways and Means.

6805. By the SPEAKER: Petition of the Texas Citizens, Fort Worth, Tex., petitioning consideration of their resolution with reference to an investigation and impeachment of James C. Wilson, United States district judge for the northern district of Texas; to the Committee on the Judiciary.

## SENATE

WEDNESDAY, MARCH 6, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal Father, unto whom we come at this new dawn of opportunity for larger life and richer service, we thank Thee for the calm of yesternight, when sacred memories and thoughts of holiness inspired our evensong to Thee, and for the fair beauty of another day in which our morning prayer becomes our hymn of praise. Grant unto us now the abiding sense of unfading light, of spotless purity, of long-suffering love that issues from Thy presence till selfishness is done away; till our minds are pure from error and our wills lose all their weakness in union with Thine own; that when evening comes again it may find us fit for rest and unashamed, as we commit ourselves unto Thee and the keeping of Thy watchful care. We ask it in the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, March 5, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schweilenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarrahan	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], and the Senator from Minnesota [Mr. LUNDEN] are detained on important public business.

The Senator from Georgia [Mr. GEORGE] and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

### WATER-POLLUTION CONTROL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, which was to strike out all after the enacting clause and insert:

That there is hereby established in the United States Public Health Service a Division of Water Pollution Control (hereinafter referred to as the Division). The Division shall be in charge of a Director, who shall be a commissioned engineer officer of the United States Public Health Service detailed for such duty by the Surgeon General of the Public Health Service (hereinafter referred to as the Surgeon General). Such engineer officer, while serving as Director, shall have the rank of an Assistant Surgeon General of the Public Health Service, subject to the provisions of law applicable to Assistant Surgeons General in charge of administrative divisions in the District of Columbia of the Public Health Service.

SEC. 2. (a) The Division shall, after careful investigation, and in cooperation with the Chief of Engineers of the War Department, other Federal agencies, and the agencies of the several States authorized by law or duly designated to deal with water pollution, and in cooperation with the municipalities and industries involved, prepare comprehensive plans for eliminating or reducing the pollution and improving the sanitary condition of the navigable waters of the United States and streams tributary thereto. In the development of such comprehensive plans due regard shall be given to the improvements which are necessary to conserve such waters and promote their use for public water supplies, propagation of fish and aquatic life, recreational purposes, agricultural, industrial, and other legitimate uses, and for this purpose the Division is authorized to make joint investigations with the aforesaid agencies of the Federal Government and any State or States of the condition of any waters of the United States, either navigable or otherwise, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

(b) The Division shall encourage cooperative activities by the several States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between the several States for the prevention and abatement of water pollution; collect and disseminate information; make available to State agencies, municipalities, industries, and individuals the results of such surveys, studies, investigations, and experiments conducted by the Division and by other agencies, public and private; and furnish such assistance to State agencies as may be authorized by law.

(c) The consent of the Congress is hereby given to two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

(d) (1) After date of enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division; and,

(2) The discharge of new sources of water pollution without review and approval of the Division as required under the foregoing provisions is hereby declared to be against the public policy of the United States and to be a public and common nuisance. An action to prevent or abate any such nuisance may be brought in the name of the United States by any United States attorney, and it shall be the duty of such attorney to bring such an action when requested to do so by the Division, the Surgeon General, and any duly constituted inter-State agency dealing with control of water pollution, any State agency dealing with control of water pollution, any "State health authority", or any incorporated municipality. Such action shall be brought as an action in equity and may be brought in any court of the United States having jurisdiction to hear and determine equity cases.

(e) *Provided, however,* That any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States, and by the Congress of the United States, subsequent to the approval of the various State legislatures.

Sec. 3. (a) The Division, upon request of any State health authority and subject to the approval of the Surgeon General, shall conduct investigations and make surveys of any specific problem of water pollution confronting any State, drainage-basin authority, community, or municipality with a view to effecting a solution of such problem, and shall make definite recommendations for the correction and elimination of the deleterious conditions found to exist.

(b) The Division, upon the request of any municipality, shall make a periodic test of the water at any bathing beach within the limits of such municipality, and shall make a report to such municipality as promptly as possible with respect to the existence of water pollution at such bathing beach and shall make definite recommendations for the correction and elimination of any deleterious conditions which are found to exist: *Provided,* That only such sums as may be specifically appropriated for such purposes shall be expended in making such tests and recommendations.

Sec. 4. The Public Health Service shall prepare and publish, from time to time, reports of such surveys, studies, investigations, and experiments as shall be made under the authority of this act, together with appropriate recommendations with regard to the control of pollution of the waters of the United States.

Sec. 5. Every loan or purchase of securities by Reconstruction Finance Corporation to finance the construction of treatment works shall hereafter be made only upon the recommendation of the State health authority having jurisdiction and upon the recommendation of the Surgeon General and his certification that such construction is necessary to prevent the discharge of untreated or inadequately treated sewage or other waste which would substantially impair the quality of any waters of the United States.

Sec. 6. (a) There is hereby established in the Division, by detail from time to time, a board of five, four of whom shall be commissioned engineer officers of the Public Health Service, a majority of whom shall be experienced in sanitary engineering, and the fifth, the Chief of Engineers, United States Army, or a member of the Corps of Engineers designated by him, all said members to serve without additional compensation. The duties of said board shall be fixed by the Surgeon General, and to it shall be referred for consideration and recommendations, in addition to any other duties assigned, so far as in the opinion of the Surgeon General may be necessary, all reports of examinations, investigations, plans, studies, and surveys made pursuant to the provisions of this act or hereafter provided for by the Congress, and all applications for loans for the construction of necessary treatment works proposed to be made pursuant to section 5 of this act, and all other matters in connection therewith upon which report is desired by the Surgeon General. The board shall submit to the Surgeon General recommendations as to the desirability of commencing, continuing, or extending any and all projects for treatment works upon which reports are desired and for which loan applications have been made. In the consideration of such proposed treatment works and projects the board shall have in view the benefits to be derived by the construction thereof in accomplishing the purpose of this act, and the relation of the ultimate cost of such works, both as to the cost of construction and maintenance, to the public interests involved, the public necessity for such works and the adequacy of the provisions made or agreed upon by the applicant for the loan for assuring proper and efficient operation and maintenance of the works after completion of the construction thereof. The board shall, when it considers the same necessary, and with the approval and under orders from the Surgeon General, make as a board or through its members, personal examinations of localities where the proposed treatment works are to be located. All plans, costs estimates, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Surgeon General shall be reduced to and submitted in writing, and shall be made a part of the records of the office of the Surgeon General.

(b) As soon as practicable the board shall classify the navigable waters of the continental United States into districts to be known as sanitary water districts. The board shall fix and define the boundaries of each such district and may from time to time alter

such boundaries. The areas of such districts shall, insofar as practicable, conform to the areas of watersheds not wholly contained within the boundaries of one State.

(c) All special reports ordered by the Congress pursuant to the provisions of this act shall, at the discretion of the Surgeon General, be reviewed in like manner by the said board; and the said board shall also, on request by resolution of the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives submitted to the Surgeon General, examine and review the report of any examination, investigation, survey, or project for the elimination or reduction of water pollution or for the construction of treatment works made pursuant to any act or resolution of the Congress, and shall report through the Surgeon General, who shall submit its conclusions thereon through the Federal Security Administrator and the President as in other cases.

Sec. 7. There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1941, the sum of \$250,000 for all necessary expenses of the Division in administering the provisions of this act, including: (a) Expenses of investigations made under this act, including (1) printing and binding of the findings of such investigations, (2) the pay and allowances, travel expenses of personnel of the Public Health Service (including commissioned officers) while engaged in field investigation, (3) upon the approval of the Surgeon General the expenses of packing, crating, drayage, and transportation of the personal effects of such personnel and personnel of other Government departments on duty with the Public Health Service upon permanent change of station under competent orders in connection therewith while engaged in such investigations, and (4) purchases required for such investigations, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5); when the aggregate amount involved does not exceed \$100; (b) upon approval of the Surgeon General the necessary expenses of the board of engineer officers provided for in section 6 (a) of this act; (c) the pay and allowances, and travel expenses of reserve engineer officers while on active duty under section 8 (a) of this act; and (d) for the reimbursement of appropriations insofar as expended for pay and allowances of personnel detailed to the Division under section 8 (c) or 8 (d) of this act.

Sec. 8. (a) For the administration of this act the Federal Security Administrator may, upon recommendation of the Surgeon General, appoint such engineers, attorneys, experts, research assistants, examiners, and consultants as may be necessary, and fix their compensation, in the manner provided by law for the appointment and fixing of compensation of personnel of the Public Health Service; and the Surgeon General is authorized to transfer, assign, or detail to the Division, from any other division of the Public Health Service, such professional and scientific personnel as may be available. Not exceeding 10 engineer officers in the reserve of the Public Health Service may be ordered to active duty for such periods of time as may be desirable, extending not more than 5 years beyond the date of enactment of this act, to assist in carrying out the purpose thereof.

(b) Such clerks, stenographers, and other employees as may be necessary to discharge the duties of the Division and for the investigations in the field shall be appointed by the Federal Security Administrator in accordance with the civil-service laws, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended, and he shall prescribe such rules and regulations with respect to their duties as he may find necessary.

(c) The personnel of the Public Health Service paid from any appropriation not made pursuant to section 7 may be detailed to assist in carrying out the purpose of this act.

(d) The Federal Security Administrator, with the consent of the head of any other executive department of the Federal Government, may utilize such officers and employees of said department as may be found necessary to assist in carrying out the purposes of this act.

Sec. 9. When used in this act, the term "State health authority" means the official State health department, State board of health, or such other official State or interstate agency as is empowered with the duties of enforcing State laws pertaining to public health or to the abatement of pollution of waters; the term "treatment works" means the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, and power equipment and their appurtenances; the term "person" means an individual in the capacity of proprietor of an industrial enterprise, a partnership, a private corporation, an association, a joint-stock company, a trust, or an estate.

Sec. 10. No provision of this act shall be construed as superseding or limiting the functions, under any other act, of the Public Health Service relating to the prevention, control, and investigation of sewage and pollution either directly or indirectly of the navigable waters of the United States and streams tributary thereto.

Sec. 11. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 12. All provisions of this act applicable to the States shall also be applicable to the District of Columbia and the Territories, including Puerto Rico and the Virgin Islands.

Sec. 13. This act may be cited as the Water Pollution Control Act.

Mr. BAILEY. I move that the Senate disagree to the amendment of the House of Representatives, ask for a con-



ference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BARKLEY, Mr. SHEPPARD, and Mr. McNARY conferees on the part of the Senate.

Mr. BAILEY. I now ask unanimous consent that the bill as amended be printed for the benefit of the Senate and especially for the benefit of the conferees.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### ANNIVERSARY OF SIGNING OF THE FIRST UNITED STATES PATENT LAW

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 206) creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law, which were, on page 2, line 3, to strike out the words "joint committee" and insert "commission"; on the same page, line 15, to strike out the words "committee shall present to the"; on the same page, line 16, to strike out the words "suggestions for" and insert "shall conduct", and to amend the title so as to read: "Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law."

Mr. CLARK of Idaho. In the absence of the Senator from Washington [Mr. BONE], I move that the Senate concur in the House amendments.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Callo-way, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

- S. 263. An act for the relief of George R. Morris;
- S. 538. An act for the relief of certain purchasers of lots in Harding town site, Fla.;
- S. 2157. An act for the relief of George H. Eiswald;
- S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;
- S. 2299. An act for the relief of Hubert Richardson;
- S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;
- S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;
- S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy; and
- S. 2973. An act for the relief of Inez Gillespie.

The message also announced that the House had passed the bill (S. 1998) for the relief of Ernestine Huber Neuheiler, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

- S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien; and
- S. 1449. An act for the relief of Robert Stockman.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little;
- H. R. 685. An act granting a pension to John H. Botner;
- H. R. 689. An act granting a pension to Cora Arlena Ballard;

- H. R. 1288. An act for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher;
- H. R. 1312. An act granting a pension to Ernest Francis White;

- H. R. 1344. An act granting a pension to Joseph J. Mann;
- H. R. 1379. An act granting a pension to Timothy A. Linehan;

- H. R. 1435. An act for the relief of A. S. Tait;
- H. R. 1509. An act granting a pension to Albert E. Wells;
- H. R. 1550. An act granting an increase of pension to Christopher C. Popejoy;

- H. R. 1695. An act granting a pension to Bertha C. Keith;
- H. R. 1743. An act granting a pension to Bertha R. Ettner;
- H. R. 1798. An act for the relief of the Board of County Commissioners of Brevard County, Fla.;

- H. R. 2143. An act granting a pension to Helen M. Crowley;
- H. R. 2161. An act for the relief of the Pacific Airmotive Corporation, Burbank, Calif.;
- H. R. 2273. An act granting a pension to Lizzie May Wilbur Clayton;

- H. R. 2285. An act granting a pension to Maud Patterson;
- H. R. 2487. An act for the relief of Krikor Haroutunian;
- H. R. 3171. An act for the relief of George L. Sheldon;
- H. R. 3769. An act for the relief of the Keuffel & Esser Co. of New York;

- H. R. 3928. An act granting an increase of pension to James J. Scanlon;
- H. R. 3970. An act for the relief of Charles Sidenstucker;
- H. R. 4388. An act for the relief of James Henry Rigdon;
- H. R. 4394. An act granting a pension to James G. Bailey;
- H. R. 4436. An act for the relief of Robert Faughnan, a minor;

- H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;
- H. R. 4756. An act for the relief of Edd Nevins;
- H. R. 4962. An act granting a pension to Artrickey K. Burden;

- H. R. 5007. An act granting a pension to John W. Swove-land;
- H. R. 5153. An act granting an increase of pension to Gail E. Plunkett;
- H. R. 5257. An act for the relief of R. D. Torian;
- H. R. 5258. An act for the relief of Betty Lou Frady;
- H. R. 5397. An act for the relief of Richard L. Calder;
- H. R. 5805. An act for the relief of Knute E. Nelson;
- H. R. 5812. An act for the relief of Marguerite P. Carmack;
- H. R. 5831. An act granting a pension to Fannie E. Conner Brown;

- H. R. 5866. An act for the relief of Howard Daury;
- H. R. 5928. An act for the relief of Ella Ragotski;
- H. R. 6209. An act for the relief of William H. Dugdale and his wife, Ellen Dugdale;
- H. R. 6437. An act for the relief of Standard Oil Co. of New Jersey;
- H. R. 6681. An act granting a pension to Capt. Victor Gondos, Jr.;
- H. R. 7045. An act granting an increase of pension to Florence Sharp Grant;
- H. R. 7491. An act for the relief of the alien, James Neohoritis;
- H. R. 7855. An act for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole;
- H. R. 7959. An act for the relief of Nathan A. Buck; and
- H. R. 8015. An act granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

- S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;
- S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam site and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

#### REIMBURSEMENT OF OFFICERS AND MEN OF THE COAST AND GEODETIC SURVEY

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawae* at Norfolk, Va., on October 27, 1939, which, with the accompanying papers, was referred to the Committee on Claims.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by a mass meeting at Albany, N. Y., protesting against ratification of the St. Lawrence seaway treaty, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter from the Polish-American Central Council, Kenosha, Wis., embodying resolutions adopted by a mass meeting held at Kenosha, Wis., favoring the granting of relief to the people of Poland suffering as a result of the invasion of that country, which was referred to the Committee on Foreign Relations.

Mr. HOLMAN (by request) presented the petition of the Multnomah Civic Club, of Portland, Oreg., praying for the appointment of a special committee of the Congress to study the problem of money and credit, which was referred to the Committee on Banking and Currency.

Mr. HOLT presented the petition of Branch No. 503, American Flint Glass Workers' Union of North America, of Williamstown, W. Va., praying for the imposition of higher tariff duties on glassware products, also that the reciprocal trade agreement policy with foreign nations be abandoned and that all tariff legislation be enacted by the Congress, which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES

Mr. JOHNSON of California, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 200) to provide for participation of the United States in the Golden Gate International Exposition at San Francisco in 1940, to continue the powers and duties of the United States Golden Gate International Exposition Commission, and for other purposes, reported it with amendments and submitted a report (No. 1266) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 3095) for the relief of Harry Huston, reported it without amendment and submitted a report (No. 1267) thereon.

Mr. OVERTON, from the Committee on the District of Columbia, to which was referred the bill (S. 3203) to amend section 1262 of the Code of Laws for the District of Columbia, reported it without amendment and submitted a report (No. 1268) thereon.

Mr. KING, from the Committee on the District of Columbia, to which were referred the following bills and joint resolutions, reported them severally without amendment and submitted reports thereon:

S. 3221. A bill to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes (Rept. No. 1269);

S. 3250. A bill to change the name of a portion of Twenty-fourth Street NW. to Williamsburg Lane (Rept. No. 1270);

S. J. Res. 218. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies (Rept. No. 1271);

S. J. Res. 219. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941 (Rept. No. 1272); and

S. J. Res. 220. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes (Rept. No. 1273).

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (S. 3251) to amend sections 16 and 17 of chapter II of the act of June 19, 1934, entitled "An act to regulate the business of life insurance in the District of Columbia," reported it without amendment and submitted a report (No. 1274) thereon.

Mr. SLATTERY, from the Committee on the District of Columbia, to which was referred the bill (S. 3499) to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department, reported it without amendment and submitted a report (No. 1275) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7265) to amend the District of Columbia Unemployment Compensation Act, reported it without amendment and submitted a report (No. 1276) thereon.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of James J. Murphy, Jr., of Pennsylvania, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

S. 3522. A bill for the relief of P. L. Crooks and Co., Inc.; to the Committee on Claims.

By Mr. ANDREWS:

S. 3523. A bill for the relief of the Board of County Commissioners of Brevard County, Fla.; to the Committee on Claims.

By Mr. BILBO:

S. 3524. A bill conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.



By Mr. NEELY:

S. 3525. A bill to provide for extension of the benefits of the Civil Service Retirement Act of 1930, as amended, to certain postmasters who, by reason of age, are ineligible for appointment in the classified service; to the Committee on Post Offices and Post Roads.

By Mr. GILLETTE:

S. 3526. A bill to provide pension benefits for certain Spanish-American War veterans; to the Committee on Pensions.

By Mr. PITTMAN:

S. 3527. A bill to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679); and

S. 3528. A bill authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State; to the Committee on Foreign Relations;

By Mr. NYE (for himself and Mr. GILLETTE):

S. J. Res. 223. A joint resolution to provide for a committee to investigate possibilities of liquid oxygen-carbon explosives for military purposes; to the Committee on Military Affairs.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 658. An act for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little;

H. R. 1288. An act for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher;

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 1798. An act for the relief of the Board of County Commissioners of Brevard County, Fla.;

H. R. 2161. An act for the relief of the Pacific Airmotive Corporation, Burbank, Calif.;

H. R. 2487. An act for the relief of Krikor Haroutunian;

H. R. 3171. An act for the relief of George L. Sheldon;

H. R. 3769. An act for the relief of the Keuffel & Esser Co., of New York;

H. R. 3970. An act for the relief of Charles Sidenstucker;

H. R. 4388. An act for the relief of James Henry Rigdon;

H. R. 4436. An act for the relief of Robert Faughnan, a minor;

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson;

H. R. 4756. An act for the relief of Edd Nevins;

H. R. 5257. An act for the relief of R. D. Torian;

H. R. 5258. An act for the relief of Betty Lou Frady;

H. R. 5805. An act for the relief of Knute E. Nelson;

H. R. 5812. An act for the relief of Marguerite P. Carmack;

H. R. 5866. An act for the relief of Howard Daury;

H. R. 5928. An act for the relief of Ella Ragotski;

H. R. 6209. An act for the relief of William H. Dugdale and his wife, Ellen Dugdale;

H. R. 6437. An act for the relief of the Standard Oil Co. of New Jersey;

H. R. 7855. An act for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole; and

H. R. 7959. An act for the relief of Nathan A. Buck; to the Committee on Claims.

H. R. 5397. An act for the relief of Richard L. Calder; to the calendar.

H. R. 7491. An act for the relief of the alien, James Neohoritis; to the Committee on Immigration.

H. R. 685. An act granting a pension to John H. Botner;

H. R. 689. An act granting a pension to Cora Arlena Ballard;

H. R. 1312. An act granting a pension to Ernest Francis White;

H. R. 1344. An act granting a pension to Joseph J. Mann;

H. R. 1379. An act granting a pension to Timothy A. Linehan;

H. R. 1509. An act granting a pension to Albert E. Wells;

H. R. 1550. An act granting an increase of pension to Christopher C. Popejoy;

H. R. 1695. An act granting a pension to Bertha C. Keith;

H. R. 1743. An act granting a pension to Bertha R. Ettner;

H. R. 2143. An act granting a pension to Helen M. Crowley;

H. R. 2273. An act granting a pension to Lizzie May Wilbur Clayton;

H. R. 2285. An act granting a pension to Maud Patterson;

H. R. 3928. An act granting an increase of pension to James J. Scanlon;

H. R. 4394. An act granting a pension to James G. Bailey;

H. R. 4962. An act granting a pension to Artricey K. Burden;

H. R. 5007. An act granting a pension to John W. Swove-land;

H. R. 5153. An act granting an increase of pension to Gail E. Plunkett;

H. R. 5831. An act granting a pension to Fannie E. Conner Brown;

H. R. 6631. An act granting a pension to Capt. Victor Gondos, Jr.;

H. R. 7045. An act granting an increase of pension to Florence Sharp Grant; and

H. R. 8015. An act granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War; to the Committee on Pensions.

#### AMENDMENT TO RECIPROCAL TRADE AGREEMENTS RESOLUTION—EXPORT-IMPORT CONTROL BOARD

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was referred to the Committee on Finance and ordered to be printed.

#### EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. BYRD and Mr. REED each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

#### FOREIGN POLICIES AND THE 1940 ELECTION—ADDRESS BY SENATOR TAFT

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an address delivered by Senator TAFT before the Saturday Discussions Committee of the National Republican Club, New York, N. Y., on March 2, 1940, on the subject Foreign Policies and the 1940 Election, which appears in the Appendix.]

#### INTERVIEW WITH CAPT. ALDEN HOWELL ON HIS NINETY-NINTH BIRTHDAY

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an interview with Capt. Alden Howell, of Los Angeles, Calif., on his ninety-ninth birthday anniversary, published in the Los Angeles Evening Herald, which appears in the Appendix.]

#### ARTICLE BY BULKLEY GRIFFIN ON THE 1940 CENSUS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article on the 1940 census, written by Bulkley Griffin and published in the Hartford (Conn.) Times, which appears in the Appendix.]

#### PROPOSED ACQUISITION OF BRITISH WEST INDIES POSSESSIONS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "From the Shoulder," written by James G. Stahlman and published in the Nashville (Tenn.) Banner, which appears in the Appendix.]

#### STAMP PLAN AS AID TO USE OF EGGS

[Mr. SLATTERY asked and obtained leave to have printed in the RECORD an article entitled "Stamp Plan Boosts Egg Use,"

published in the March number of the Poultry Tribune of Mount Morris, Ill., which appears in the Appendix.]

#### EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. The question before the Senate is the amendment in the form of a substitute offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. HATCH. Mr. President, I was under the impression that the Senator from Illinois desired to speak on the pending amendment. I also desire to speak on it, but I am perfectly willing that the Senator from Illinois should go ahead.

Mr. LUCAS. Mr. President, I am not going to speak upon the amendment so much as I am on another phase of the subject. I think, perhaps, what I have to say should be said at this particular time.

Mr. HATCH. I am perfectly willing that the Senator from Illinois should proceed.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. LUCAS. Mr. President, at the time this bill was reported by the committee I confess that I had some misgivings about the failure of the committee to assume the responsibility of defining the term, "active part in political management or in political campaigns." I so expressed myself at that time to the distinguished Senator from New Mexico. Since then I have had an opportunity to give further study and consideration to that question, and I am now convinced that section 15 of the bill, as it now reads, constitutes an unconstitutional delegation of legislative power.

Mr. President, it may be presumptuous for any Senator in these days of social trend and economic change to venture an opinion upon the constitutionality of any measure which is before the Congress of the United States. However, the question of the delegation of power from the legislative branch of the Government to the Executive has been fairly well explored by the legal fraternity of this country, and the limitations upon that right have been pretty well fixed and determined by the United States Supreme Court during the last few years. It is pretty well agreed under those decisions that Congress has the right to delegate so-called legislative power if the standards for exercising that power are adequately set forth in the statute. If they are not, then the exercise of such power is unconstitutional and invalid.

Mr. President, I desire to cite just a few authorities which seem to me to substantiate beyond the shadow of doubt the position I am taking upon this question.

In the case of *Hampton & Co. v. United States* (276 U. S. 394), a case which, no doubt, has been cited many times before in the Senate in dealing with this very question, the Court, in dealing with the so-called flexible-tariff provision of the act of September 21, 1922, as well as the authority which it conferred upon the President, applied the same principle that permitted the Congress to exercise its rate-making power in interstate commerce, the result being that the Court found that similar provision was justified for fixing custom duties. They further said that if Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power.

Following that decision, the Senate will remember the case of *Panama Refining Co. v. Ryan* ((1935) 293 U. S. 388), the "hot oil" case, which was argued by some of the best lawyers in the country before the Supreme Court. In that case the Court held invalid the Hot Oil Act, in which no standard was set up by the Congress of the United States. They said, among other things:

Thus, in every case in which the question has been raised, the Court has recognized that there are limits of delegation which there

is no constitutional authority to transcend. We think that section 9 (c) goes beyond those limits. As to the transportation of oil production in excess of State permission, the Congress has declared no policy, has established no standard, has laid down no rule. There is no requirement, no definition of circumstances and conditions in which the transportation is to be allowed or prohibited.

Again, in *Schechter Poultry Corporation v. United States* ((1935) 295 U. S. 495), which held the N. R. A. Act unconstitutional, the Court said:

To summarize and conclude upon this point: Section 3 of the Recovery Act is without precedent. It supplies no standards for any trade, industry, or activity.

I submit that section 15 of this bill is without any precedent. It lays down no rules, no standards which the Civil Service Commission shall follow in defining what is or what is not political activity throughout the United States.

The Court further said, in the *Schechter* case:

It does not undertake to prescribe rules of conduct to be applied to particular states of fact determined by appropriate administrative procedure. Instead of prescribing rules of conduct, it authorizes the making of codes to prescribe them. For that legislative undertaking, No. 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1.

And I submit that section 15 of this bill does not even go as far as section 3 of the N. R. A. went.

In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered.

And so it is in this case, Mr. President, with respect to the Civil Service Commission. Their discretion in laying down what is political activity throughout the United States is absolutely unfettered.

The Court further said:

We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

That the doctrine stated in these two cases is still good law is seen in the case of *Currin v. Wallace* (1939) 306 U. S. 1, in which the Court, in upholding the Tobacco Inspection Act, reaffirmed its position and stated that in that case the constitutional requirements were met. In that case the Court was dealing with standards that were laid down by the legislative branch of the Government.

In view of this line of important decisions on the question of delegation of power, I take it there are few who will disagree with the statement that section 15 is extremely vulnerable from the standpoint of constitutionality when considered in the light of the decisions just read.

When one reads and closely considers section 15 of the bill, it seems hard to imagine a clearer delegation of legislative power than that of the power by regulation to fix in advance the situations to which an act of Congress shall apply. That is exactly the effect of the exercise by the Civil Service Commission of the power to define active part in political management or in political campaigns.

The delegation of power from the legislative branch of the Government to the Executive has been one of the most controversial issues during the past 7 years of government. There are those who constantly decry and condemn the encroachment of Federal power upon the rights of the people in the various States of the Union. There are those who are extremely fearful as to what the centralization of power in the Federal Government may ultimately do to the States and the rights of the people living therein.

On Monday last the able Senator from Vermont [Mr. AUSTIN], in answering the distinguished majority leader [Mr. BARKLEY] said, among other things:

If there is any one thing I have discovered in returning home, it is that the people of my State and those of other States which I have visited look with great fear upon the aggression which Washington has already made upon the government of the individual States.

And yesterday the eminent Senator from Nebraska [Mr. NORRIS] placed in the CONGRESSIONAL RECORD a speech made



by the able Senator from Washington [Mr. SCHWELLENBACH], and in so doing he emphasized one particular section which seems to me to be more than apropos to the question now under consideration. I risk burdening the Senate by repeating what the Senator from Washington said. In that speech he said, among other things:

No objective in mankind's progress has been more difficult of achievement or retention than political freedom. The common man has always desired political freedom for himself. He has, however, been slow to remember that his own freedom ultimately depends upon the equal freedom of all, even those whose views of government he may upon occasion dislike and even profoundly detest. It was only after centuries of struggle that the common man realized that political democracy was possible only if the right of all men, without regard to race or religion, to express their political opinions freely and publicly was scrupulously safeguarded.

So said the distinguished Senator from Washington.

Certainly no one can gainsay that this bill seeks to curb certain individuals, under certain conditions, from expressing their political opinions freely and publicly. Yes; the able addresses of the Senator from Vermont and the Senator from Washington go to the very heart of the problem.

Mr. President, the question might be raised as to whether there is a distinction between a delegation of power which carries a penal regulation and one which does not. But I submit that the cases that have dealt with that subject make no such distinction. It is to be noted that in the comparable field where a statute is attacked on the ground of its being void for indefiniteness, the Supreme Court has reached the same result in a civil case, *A. B. Small Co. v. American Sugar Refining Co.* (1925, 267 U. S. 233), as in a criminal case, *United States v. Cohen Grocery Co.* (1921, 255 U. S. 81). These cases involved a civil suit on a contract and a criminal penalty under a statute which forbade charging more than a reasonable price for necessities.

We find that the measure before us, which delegates power to the Civil Service Commission to control political activities throughout the Nation under certain conditions and circumstances, as well as to have a firm grip on the purse strings of the Government, wholly fails to attempt to define what is "active part in political management or in political campaigns," and neither do we lay down any standards in the bill which would be binding upon the Commission and make the law constitutional.

Mr. President, it is a strange coincidence that Members of the greatest legislative body in the world, who have been in the midst of political activities practically all of their lives, do not have the resourcefulness to assume the responsibility of defining the term "active part in political management or in political campaigns." If we who have been schooled in the science and art of government, if we who have made politics a lifelong career, if we who come from every section of this land and have the peculiar knowledge and understanding of political situations which exist in every community, I say that if we, with all of these qualifications, are unable to define "political management" or "political campaigns," and lay down the rules and regulations which the Civil Service Commission shall follow, then we are derelict in our duty, and it is an admission of weakness upon our part. We admit that we cannot define the term, but we are willing to leave it to some bureaucratic board which has absolutely no knowledge of political conditions and circumstances in any section of the country. As for my part, I cannot agree with that premise. I am willing to assume every responsibility in laying down a definition which will meet the constitutional requirements.

Mr. President, under this bill we are delegating to the Civil Service Commission a responsibility which deals with fundamental principles of government involving the Bill of Rights. Under this bill we are delegating to the Civil Service Commission the right to lay down rules and regulations in connection with political campaigns and political management that will curb political activities of citizens who fall within the designated classification of the bill. To tamper with that inherent and sacred right, I submit, is a most serious responsibility, and one which the United States Congress should assume. We should not under any circumstances ad-

vise the American people that we are unable to define or lay down any standards dealing with political management or political campaigns in the various States of the Union.

I think that no one will disagree that under the pending bill we are invading the right of an American citizen to participate freely and openly in the election of men to public office in the various States of the Union. This is a heritage which has been handed down through years of struggle by those who believed that this Republic in its present form is the best that has been devised by man. We have gone a long way in a century and a half under the present political system, and if that is to be disturbed, if any revolutionary changes are to be made, such as are contemplated in this bill, I submit that it should be done in a constitutional manner.

Mr. President, let me say that no other citizen is more interested in clean elections and the sanctity of the ballot than am I. No man is more interested in seeing every voter exercise his right of franchise according to the dictates of his own conscience. Yet no man is more interested in seeing that government does not encroach upon the rights of the people guaranteed by the Constitution of this country.

Mr. President, at this moment we look about us in the world and see military despots, dictators, and totalitarian governments who look with contempt upon the democratic forms of government. And especially are they envious of the most powerful democracy in the world. We know from congressional investigations the various movements which exist in this country which are in sympathy with the totalitarian doctrine. It is the duty of the Congress to see to it that no legislation is passed which will in any way disturb the political equilibrium of the average citizen of this country. He has been trained for 150 years in a certain school of free thought and a certain school of procedure affecting his life or his rights, which cannot be overturned by legislative action without bringing about serious national repercussions.

I point out that under paragraph (d) of section 12 the Commission is authorized to adopt—

Such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. Any determination made by the Commission under this section shall be final and conclusive upon all accounting and other officers of the United States and all other persons.

In other words, Mr. President, the citizen working on a highway who is charged with pernicious political activities would not only lose his job, under the proposed act, but would be denied the right of appeal from the ruling of the Civil Service Commission.

I submit this simple question: Does this type of Federal procedure, dealing with the right of an individual to participate and exercise his influence in a State election, create in the mind of the citizen and his friends affected by the legislation a better feeling and more faith in our form of government, or does it have a tendency to lessen his faith in our form of Government?

Mr. MINTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. LUCAS. I yield.

Mr. MINTON. Not only under this measure would the man lose his job on the judgment of the Civil Service Commission, from which the Senator says there is no appeal, but under the same bill, by the same action of the same Civil Service Commission, he could be blacklisted in his own State, and could not get a job for 18 months in his own State.

Mr. LUCAS. That is correct; he could not get a job in his own State, or in any of its political subdivisions, for a period of 18 months.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. STEWART. With respect to the prohibition against an employee who has been discharged being reemployed for a period of 18 months, I will ask the Senator whether or not a proper construction of the provision would preclude a discharged employee from being employed in any city, county,

or State office, in any capacity, whether or not he would be precluded from being employed only in a department that is supported in part by Federal funds, or whether it would apply to all departments of the city, county, or State government?

Mr. LUCAS. I think it would apply directly to the municipality which is dealing with Federal funds.

Mr. STEWART. But could he be employed in any department in the city, county, or State, which would not be affected by the proposed act?

Mr. LUCAS. I seriously doubt that he could be, because, as I understand, when a public grant comes to Illinois, for instance, for highway purposes, say of a million dollars, that million dollars is placed with the entire highway fund of our State. In other words, if we are going to spend in Illinois \$10,000,000 for roads next year, and the Bureau of Roads grants us a million dollars, it means that we have \$11,000,000 to spend on highways in the State of Illinois. So every foot of highway construction in the State would be indirectly affected by the million dollars which comes from the Federal Government, and every individual who is participating or working in any way in connection with the highway department would be subject to the act, because of the million dollars that comes into the general fund from the Federal Government.

Mr. STEWART. Let me ask a further question, though it may repeat the former question in a way. The point I am trying to make is this: Suppose an employee in the highway department violates the Hatch Act; he is discharged and cannot be reemployed by the highway department for 18 months. Could the State employ him in its revenue department, for instance, or in some department which is not affected in anywise by a Federal grant?

Mr. HATCH. Mr. President, if the Senator will yield a moment, I apologize for invoking the very rule which perhaps I violated yesterday in colloquy with Senators about me during the debate, but I should like very much to hear what the Senators are saying and to know if possible what the colloquy is.

Mr. LUCAS. Mr. President, in response to the question propounded by the Senator from Tennessee, it is my understanding that if an individual working for a State should be discharged for a violation of the act, it would be impossible for him to be employed in any department of the State during the following 18-month period, whether or not he was thereafter affected by the provisions of the act.

Mr. STEWART. That would be true also with respect to any political subdivision within the State; he could not even be employed by a municipality as a truck driver or in any other capacity?

Mr. LUCAS. Mr. President, I should say that what would be true with respect to State agencies would likewise hold true with respect to other agencies, including municipalities.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MINTON. If the Senator will look at page 6, beginning with line 7, he will find that the language is so perfectly clear that there can be no mistake about it. It reads as follows:

If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

If it is found that such an employee is on the pay roll again anywhere in that State an additional amount may be withheld.

Mr. LUCAS. I doubt if there is much difference between us as to proper consideration of the provision.

Mr. LA FOLLETTE. Mr. President, I wish to have the question made perfectly clear, and I should like to have the attention of the Senator from New Mexico [Mr. HATCH]. It

has just been indicated by the colloquy between the Senator from Illinois, the Senator from Indiana, and the Senator from Tennessee, that if an employee were found guilty of violating the provisions of this measure, and the Commission certified that he was guilty of such violation, he could not then be employed by any State agency or county or municipal government, whether or not such agency or organization was receiving funds from the Federal Government. Is that the interpretation which the Senator from New Mexico places on the language?

Mr. HATCH. Mr. President, as I stated yesterday, the present language of the committee amendment would have that effect.

Mr. LA FOLLETTE. Is the Senator from New Mexico in favor of barring a man from all forms of governmental employment at all levels if he violates the provisions of this measure?

Mr. HATCH. I will say in answer to the Senator from Wisconsin that I already have worked out a modification of that particular provision, and shall present it later.

Mr. LA FOLLETTE. As I understood, the entire theory of the bill was that it was to apply the principles of the Hatch Act to various State activities which were receiving financial support from the Federal Government.

Mr. HATCH. That is correct.

Mr. LA FOLLETTE. It seems to me it is going a long way to say that if a man is guilty of some of the activities prohibited by the measure, he is thereafter debarred from any kind of public employment for the period of 18 months.

Mr. HATCH. The way that came into the bill, as I explained yesterday, was in an effort on the part of the draftsmen to plug up what appeared to be a loophole which would permit the shifting of employees from one department to another for the purpose of evading the terms of the measure. It may be that we went too far in trying to stop up that particular loophole. At any rate we are perfectly willing to modify the language.

Mr. STEWART. I should like to hear the language of the proposed amendment. It seems to me it would be of help to Senators in discussing the matter if the Senator from New Mexico were to send the proposed amendment to the desk and have it stated.

Mr. HATCH. It is in the course of preparation now.

Mr. LUCAS. Mr. President, I may add that, in my opinion, the provisions of this bill apply all the way down to towns.

Mr. President, I have concluded. I have only one more word to say. Believing, as I do, in the basic and fundamental principles which seem to me to go to the very roots of a well-established and orderly form of democratic government, I am constrained to say that I find it impossible to support this proposed legislation.

Mr. DANAHER. Mr. President, I send to the desk an amendment in the nature of a perfecting amendment, and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 4, line 20, after the word "election", it is proposed to insert the words "or the nomination of any candidate for any office mentioned in section 2."

Mr. DANAHER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Gerry	Holman
Andrews	Caraway	Gibson	Holt
Ashurst	Chandler	Gillette	Hughes
Austin	Chavez	Glass	Johnson, Calif.
Bailey	Clark, Idaho	Green	Johnson, Colo.
Bankhead	Clark, Mo.	Guffey	King
Barbour	Connally	Gurney	La Follette
Barkley	Danaher	Hale	Lee
Bilbo	Davis	Harrison	Lodge
Brown	Donahey	Hatch	Lucas
Bulow	Downey	Hayden	McCarran
Byrd	Ellender	Herring	McKellar
Byrnes	Frazier	Hill	McNary



Maloney  
Mead  
Miller  
Minton  
Murray  
Neely  
Norris  
Nye  
O'Mahoney

Overton  
Pepper  
Pittman  
Reed  
Reynolds  
Russell  
Schwartz  
Schwellenbach  
Shipstead

Slattery  
Smathers  
Smith  
Stewart  
Taft  
Thomas, Idaho  
Thomas, Okla.  
Thomas, Utah  
Tobey

Townsend  
Truman  
Tydings  
Vandenberg  
Van Nuys  
Walsh  
Wheeler  
White  
Wiley

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. DANAHER. Mr. President, I shall withdraw the amendment which I previously sent to the desk, and offer another amendment in the nature of a perfecting amendment. For the present, before it is stated by the clerk, I wish to read it. I invite the attention of Senators to page 6, line 7, where we find the word "determination." In order that the context may appear in continuity, I shall read the provision as it now stands:

If the Commission determines that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination.

My amendment is to strike out the period and insert a comma and the following language:

Whereupon such officer or employee, or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States District Court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39 c, Public, No. 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67 c). No such officer or employee shall be dismissed as a result of such determination by said Commission and no loan or grant shall be withheld until said appeal shall be finally determined.

Mr. President, much has been said on the floor about the evils of the lack of appeal, and they have been so thoroughly pointed out that the remedy suggests itself. My amendment is offered at this particular point, following, as it does, the language under which a determination of alleged guilt shall have been arrived at by the fact-finding Commission.

The proposed remedy by way of appeal will safeguard the rights of the employee whose guilt is allegedly determined. It will safeguard the rights of the State or local agency whose rights are allegedly interfered with by virtue of withholding the Federal grant, or any part thereof. Consequently, Mr. President, in order that there may be a method of appeal, it is obviously necessary that the Federal courts be given jurisdiction. The perfecting amendment will give the Federal courts jurisdiction.

It is necessary that the method of procedure of the courts taking consideration of the appeal be set forth. Happily, the Congress, in the Chandler Act, which is cited at length in the amendment now on the desk, has already defined and prescribed an ideal method of taking appeals to the United States district courts from a fact-finding officer. The amendment provides a ready means of taking appeal to the Federal court for the district in which the alleged violation is said to have occurred; that is to say, where the accused employee has residence. There is provision for protection of the individual, as well as the State or local subdivision thereof, and until there shall be a final determination of the appeal the provisions of the act shall not apply.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. DANAHER. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator's amendment were agreed to, would it not follow that anyone aggrieved by a decision of the district court could go up to the circuit court of appeals, and from there to the Supreme Court of the United States?

Mr. DANAHER. I should hope so.

Mr. NORRIS. Let us look at the matter in a practical way. Suppose such a thing should happen on any project for which the Federal Government had furnished some of the funds—a project to which the law applies. The project would be

finished before the Supreme Court finally passed upon the question. In the meantime, the offender, however guilty he might be, would hold his job. The job would be over because the project would be completed. Would not that follow as a practical matter?

Mr. DANAHER. Let me say to the Senator from Nebraska that I appreciate his interest and consideration. I answer him categorically, "No."

In the first place, while it is true that the individual employee would be retained pending an ultimate decision, it is ever so much preferable that he be retained, that his rights be determined, and that there be no penal restriction upon him limiting him, as the Senator from Wisconsin pointed out a while ago, to a state of blacklist—absolutely removed from Federal or State pay rolls of whatever kind for a period of 18 months.

Let me say to the Senator from Nebraska that I can conceive of such a case as that of a professor in a land-grant university, let us say, who earns \$4,000 a year. For 18 months he would be deprived of his position and salary and could not even work in a local subdivision of the very State in which he is engaged.

Mr. NORRIS. The Senator is pointing out an acknowledged defect which I do not think his amendment would cure—a defect which must be cured, and, I presume, will be cured by the proper amendment. I concede that such a person should not be penalized in the manner described.

As I see it, the effect of the Senator's amendment would be practically to nullify this section of the law. A political machine in a State might load up a project with political appointees. Perhaps they would be ordinary workmen or clerical workers. They could violate the law with impunity and boast of their violations. They might be tried by the Civil Service Commission, which would make a finding. The finding would be held up while the case went through all the courts, which might take 3 or 4 years. There would be no trouble about that, because the leaders of the political machine would furnish the lawyers and the money to take every case to the Supreme Court.

Does not the Senator see that such employees are akin to the employees in any of the Federal departments? Suppose some one in the War Department should violate a rule, or for any other reason should be discharged by his superior officer; should we not give to him the blessed right of appeal and let him go to the Supreme Court, and provide that in the meantime the War Department must permit him to continue to draw his salary? It seems to me that if we should apply the same theory to everything that is akin to this situation we should have more cases in the Supreme Court than a dozen Supreme Courts could take care of.

Mr. DANAHER. Has the Senator concluded?

Mr. NORRIS. Yes.

Mr. DANAHER. Let me answer the Senator in this way: It seems to me that the fact that at present there is no machinery for appeal under the civil service is a very serious defect, and those of us who are interested in civil service have long regretted it. Under Federal law there is no right of appeal today for a civil servant who is wrongfully dismissed. I am perfectly willing that such employees be given the machinery within the civil-service structure to take appeals. I am perfectly willing that amendatory legislation to that effect be achieved. However, I have not undertaken to make my amendment applicable to all civil-service legislation.

Mr. NORRIS. Why not?

Mr. DANAHER. We are working on a particular bill.

Mr. NORRIS. Why not make the amendment applicable to all civil-service legislation?

Mr. DANAHER. I am willing that that be done.

Mr. NORRIS. Let us do that, and kill the bill.

Mr. DANAHER. We are working on a particular bill. We are not working on the Civil Service Act of 1882. Consequently, when we take this step, if it be a good precedent, if it affords a sound basis for appeal, and if it looks to the protection of the injured employee or officer who is removed

from the rolls, it will do exactly what some of us, I am sure, want to see done in the interest of justice to the accused.

I believe it eminently more to be preferred that an individual be continued on the rolls than that he be deprived for 18 months by some administrative tribunal in Washington of the opportunity of employment. That, it seems to me, is a fair statement of the principle involved.

Mr. President, let me say to the Senator from Nebraska that there is force to one point he makes, and that is that such an accused individual, though he be, as the Senator puts it, ever so guilty, would be continued on the rolls. All we have to do to perfect this particular amendment is to say that he shall be suspended pending the determination of his appeal and shall draw no salary. That would meet the Senator's objection; would it not?

Mr. NORRIS. No.

Mr. DANAHER. Why not?

Mr. NORRIS. I should think, from the Senator's argument, that he would not want to modify his amendment in that way; would he?

Mr. DANAHER. I am perfectly willing to see that the right and proper thing be done, and I know that the Senator from Nebraska wants that done.

Mr. NORRIS. Of course I do, but if we are going to pass this bill at all, I do not want to hamstring it and nullify it, which I think the Senator's amendment would do. As I see it, it would make it unworkable. We will disagree as to whether we ought to have such a law at all, but if we put such protection around every political appointee, every man that any political machine puts into office by any means, we give them the power to keep such appointee in office until the entire project is finished, unless it takes more than 3 or 4 years to finish it.

If the Senator would modify his amendment and say that they shall have an appeal, but that the action of the Civil Service Commission shall take effect, it seems to me he would lessen a great deal the evil the amendment would otherwise contain.

Mr. DANAHER. Let me ask the Senator, first, Does he agree with me that an accused who has been found guilty should have the right of appeal?

Mr. NORRIS. Yes; I should say so, but from the practical standpoint if we apply that principle to every employee, as we ought to do if we do it in this case, so that every employee of the Government would have the right of appeal and to go to the Supreme Court, we would make it impossible for half our Government organizations to proceed any further.

Mr. DANAHER. Let me suggest, then, to the Senator from Nebraska another line of thought. I wish to say that there is no Member of this body of whom I am more fond and in whose judgment I am more willing to share, for the benefit of his viewpoint is of the greatest interest to me; but let me say to the Senator from Nebraska that if we add to this amendment these particular words we can, I think, meet the whole core of his present objection, namely, the words—

Pending such final appeal any such employee who shall have been determined to be guilty of a violation of this act shall be suspended.

Did the Senator follow me as I stated that? Does that particular language meet the objection of the Senator from Nebraska?

Mr. NORRIS. I think those words would help the Senator's amendment but would not cure its evils, in my judgment.

Mr. DANAHER. May I ask the Senator from Nebraska what remaining evil there is?

Mr. NORRIS. If the Senator wants me to express my opinion about that—

Mr. DANAHER. I do.

Mr. NORRIS. I think the whole amendment is evil; I would strike it all out.

Mr. DANAHER. The Senator, of course, generalizes and states a conclusion.

Mr. NORRIS. I do not want to impugn and do not impugn, as the Senator knows, in any way the Senator's mo-

tives, or ascribe any but the most honorable intentions on his part, but, as I look at it, this amendment is wholly wrong, wholly unnecessary, and wholly unworkable, and will be found impracticable in actual operation.

Mr. DANAHER. Mr. President, taking up the objections in the order named, when the Senator says the amendment is wholly unnecessary he has already stated to me that he feels that the right of appeal should be granted; when he says to me that he feels that an individual once found guilty should not draw salary pending appeal, he would have us understand that it is unworkable because it would continue the man on the rolls. I was meeting that objection by suggesting that the amendment be modified so to say that, pending the ultimate determination the individual shall be suspended, not blacklisted, and to that extent we meet the definition of unworkable, as the Senator from Nebraska uses the term.

Mr. President, so far as he understands that when grants can be withheld and that a project cannot be completed, the Senator from New Mexico only yesterday pointed out that grants may be withheld from projects determined on the basis of the particular in which the least injury would flow to any given State in the event guilt is adjudged. Consequently, if a project be threatened, grants to some other project could be withheld. In other words, the degree of penalty following the use of the money does not by any means depend upon the ultimate determination of the case. But if this amendment be adopted, as stated, we will have achieved, it seems to me, the right of appeal to the accused, the right of protection to the State or the subdivisions thereof. That is no more nor less than fair, and is a part of our ingrained law. Far from this amendment being "evil," if I may use the word that was employed by my distinguished colleague from Nebraska, I think that it meets the objections we have heard voiced from so many angles—by the Senator from Wisconsin, by the Senator from Illinois, by the Senator from Kentucky, and yet others who have spoken on this subject on this floor. It seems to me that if this bill does not provide for the right of appeal, the whole bill is evil on that basis. I ask for the consideration of the amendment and its adoption.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment reported by the committee.

Mr. HATCH obtained the floor.

Mr. VAN NUYS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. VAN NUYS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slatery
Bankhead	Gibson	McCarran	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho.
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to the roll call. A quorum is present.

Mr. CAPPER. Mr. President, I shall support the amendments offered by the Senator from New Mexico [Mr. HATCH] to the so-called Hatch Act.



I supported the original measure as it applies to Federal employees and to those receiving Federal funds. I consider it only fair and just, and also greatly in the public interest, that the same restrictions against pernicious political activities should apply to State employees who are paid in part from Federal funds.

The original Hatch Act was a long step in the right direction. The pending amendments, in my judgment, constitute another necessary step.

Years ago the Federal Government decided, and wisely so, that the people would be better off if Federal civil-service employees were prohibited from certain types of political activity; also from exercising political coercion and from soliciting campaign funds. This principle has been well established for many years, and I believe it is generally admitted that it has worked in the public interest and in the interest of the civil-service employees as well.

Within the past few years the payment of subsidies and relief grants from the Public Treasury to individuals has created many new problems in government. Safeguarding the ballot is one of them.

When millions of persons are receiving funds from the Public Treasury and are dependent upon such funds for their livelihood, in whole or in part, the men and agencies handling the funds naturally are placed in position to influence, to intimidate, to coerce, and, in many instances, to control, the actions of the recipients of the funds.

It is public knowledge, thanks to the good work of the Sheppard committee, how this power of the purse was used to influence primaries and elections in the 1938 campaigns. It was that report which focused public attention on these evils and resulted at the last session in the enactment of the Hatch bill, which extended the restrictions upon pernicious political activity to Federal officials and employees outside the classified civil service as well as in the classified civil service.

But, while the Sheppard committee was investigating the misuse of relief funds to influence elections, the fact also was brought to public attention that State administrations, through the use of patronage incident to State agencies operating with Federal funds, also were being used to influence elections, which is another form of pernicious political activity.

It is common knowledge that State highway departments in some States have as many employees as all other State departments put together. In each State the highway department reaches into every community and has thousands of men on the pay rolls. These are technically State employees, although paid in part with Federal funds. They are capable of being welded into effective political machines. If appointments on them are controlled by county committees of political parties, as they sometimes are, there is the strong possibility—I might say probability—that the administration in power can and will work up a machine based on political patronage so powerful that it menaces the public welfare.

Mr. President, I say it is as wrong to countenance a patronage control of primaries and elections as it is to countenance such control through the use of relief funds. The pending amendments will extend the provisions of the Hatch Act prohibiting pernicious political activities to State and local public officers and employees paid in part from Federal funds. I agree with the Senator from New Mexico that Congress has the power to do this. I feel that it ought to be done, and I shall support the pending amendments.

I believe it is fundamental that popular government cannot succeed unless the electors are in position to exercise their free and independent judgment upon matters and candidates that come before them for action. Manifestly, that freedom of choice does not exist if a considerable body of the electorate are intimidated, coerced, or improperly influenced.

No man whose livelihood depends in whole or in considerable part upon grants from the Treasury is free to vote his own convictions, free to vote for the candidates of his choice, if those who control the payments can tell him, or even sug-

gest to him, how he should vote. Nor can the man whose job is dependent upon the will of an administration exercise freedom of choice if that job is at the disposal of a political machine or a political boss. He, like the man on relief, can be compelled to vote as the machine dictates; he can be compelled to contribute to campaign funds; he can be compelled to influence the votes of his family, his friends, and his neighbors.

In practice, the use of patronage to control conventions, primaries, and elections was not so important in the days when only a small percentage of the voting population was on the public pay roll or relief rolls. But today, when perhaps one-fifth of the voters—in some communities a majority of the voters—are either on the public pay roll, the relief rolls, or are receiving Government payments in some form, the abuse of patronage and Government money is a serious threat to our form of government.

By the way, Mr. President, in this connection I wish to commend the attitude of Secretary of Agriculture Wallace in warning county and local committeemen under the Soil Conservation program to abstain from political activities. While these local committeemen are not under the Hatch Act, as I understand, I think they should not be used for political purposes; and I am glad Secretary Wallace feels the same way about the matter and is using his influence to prevent it.

I sincerely hope the amendments presented by the Senator from New Mexico will be adopted. I hope crippling amendments like that offered by the Senator from Arkansas [Mr. MILLER] will be voted down. I trust prompt action will be taken and that the measure will become law in time to be effective during the present campaign.

Mr. HATCH. Mr. President, I rise today not to speak directly on the pending amendment, offered by the Senator from Connecticut [Mr. DANAHER], but to speak for a little while on the amendment offered by the Senator from Arkansas [Mr. MILLER] and to mention a few features of the general philosophy of the legislation which both the Senator from Arkansas and the Senator from Indiana [Mr. MINTON] attacked so vigorously yesterday.

I appreciated greatly the very fine analysis made by the Senator from Arkansas of the law passed at the last session of the Congress, and I appreciated greatly the very kind and highly approving words with which both he and the Senator from Indiana praised all the sections of that bill except one. I was glad indeed to welcome them, even at this late hour, on the side of that type of legislation. I was more than glad to hear them say that they approved heartily of sections 1, 2, 3, 4, 5, 6, and 7, and that they would not intimidate or coerce any voter under the sun; that they would go as far as I or anyone else to prevent coercion and intimidation. I was very glad to hear those remarks yesterday. I would have been far more glad to hear those remarks when similar provisions in other measures were pending before the Senate of the United States, and voices were then raised, not in praise but in condemnation of the very principles of which there was approval yesterday.

Mr. President, perhaps my memory is too good, but I quite well remember when, as early as 1937, some of us were seeking to write into the law of the land some of those principles which the Senators praised so highly, and I heard not the voices of these able Senators in support of those high principles which they favored so strongly yesterday.

I quite well remember one hot summer night in the Senate of the United States when some of us sought to write into a relief appropriation bill an insignificant, weak, puny provision attempting to protect against the use for political purposes of funds appropriated by Congress for relief purposes, trying to keep them from being used for intimidation or coercion, and I heard not the voice of my distinguished friend from Indiana.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Without any heat—

Mr. HATCH. The Senator spoke with a great deal of heat, and may I say with very little light, on yesterday. [Laughter.]

Mr. MINTON. I have not been blinded by the brilliance of the Senator's remarks up to now. The Senator said something about the Senator from Indiana on a certain memorable night. Who was in the chair when the Senator was recognized?

Mr. HATCH. On that night the Senator from Indiana was not, but I will digress here long enough to pay my respects to the Senator from Indiana, who refers to another occasion. When I say I pay my respects to him, I mean respects. I was trying on another occasion to get before the Senate a bill which provided merely that Federal employees should not go to conventions. That was all the bill provided. I had tried to tie it on to a post-office bill, as the Senator from Wyoming [Mr. O'MAHONEY], now seated before me, will remember, as an amendment, because my measure had been pending on the calendar for over a year, and I could not get any action on it. The late Senator Steiwer, of Oregon, and I had introduced the bill jointly.

I saw that the attempt to attach the bill as a rider to the other bill was bad strategy. I heard objections being raised to that form of legislation, and I realized that I probably would not succeed in having the bill passed if I attempted to tie it to the other bill as a rider, and I wanted results, I wanted the measure passed. So I announced that I would withdraw the amendment. But I gave notice that as soon as the bill then pending was disposed of I would seek recognition from the Chair in order to make my bill the pending order of business.

The Senator from Indiana [Mr. MINTON] was in the chair.

The consideration of the post-office bill was completed, and the moment the presiding officer announced that the bill had been passed, I rose to my feet quickly and said, "Mr. President." I said "Mr. President" before anyone else spoke, and there were others, perhaps, who would have liked to have the attention of the Chair to keep me from making my motion. My eternal gratitude and thanks go to the Senator from Indiana, because he presided on that occasion exactly as a presiding officer of the Senate should preside. He followed the rules of the United States Senate and said, "The Senator from New Mexico is recognized," and played just as fairly and squarely as a man ever played; and I thank the Senator from Indiana.

Mr. MINTON. I thank the Senator from New Mexico.

Mr. HATCH. Nevertheless, Mr. President, the voice of the Senator from Indiana was not raised that hot night in June, when we sought to protect relief appropriations. And where was the Senator from Arkansas on that occasion? Was he standing before the Senate and proclaiming with all his eloquence and might his desire to protect against intimidation and coercion, as he did yesterday? I heard not his voice on that occasion.

All this reminds me of my favorite editorial. I think I have heretofore read the editorial to the Senate, but I wish to read it again, because it so fully states exactly what I am thinking just now, and what I thought yesterday when these gentlemen were so lavish with their praise of various sections of the bill. I quote the editorial, from the Washington Daily News, which I think was written by Walker Stone:

Harry Hopkins now says that he thinks the Senate made a bad mistake when it voted down the Hatch amendment forbidding politics in relief.

The editorial continues:

Well do we remember that hot summer night of sweat and oratory when the Senate got down to the final vote on the Hatch amendment, when the "purge committee" was cracking the whip, and a majority of the Senators said "Me, too," to the proposition that W. P. A. should be left free to play politics.

In the cool reflection of January Mr. Hopkins announces he was in favor of the Hatch amendment. But—

Where, where was Roderick then!  
One blast upon his bugle horn  
Were worth a thousand men!

Where, oh where, Mr. President, when these issues were being fought for on the floor of the Senate, were the distinguished and honorable gentlemen who praised so highly on yesterday?

Mr. President, looking back at those scenes, and other scenes which have occurred in the Halls of Congress, I am a little dubious of the praise that is bestowed at this late day; and I cannot help doubt, when an amendment is offered to one section of the bill to kill it, if possible, that at the next opportunity other amendments will be offered to kill other sections of the bill.

The amendment offered by the Senator from Arkansas goes, as he says, to the very heart of this matter, and it goes to the heart of other things, about which I wish to speak. I wish to say something of the background and philosophy and democracy of this type of legislation, for the distinguished gentlemen who ask that section 9 of the measure we passed last summer be repealed are Democrats, members of my own party.

Mr. President, I presume every Senator knows that that section was offered for the purpose of keeping Federal employees from engaging in political activity, political management, and political campaigns. All it did was to apply to some 300,000 workers the same rule against political activity which is already applied to some 500,000 and more workers of the Government in the classified civil service.

Mr. President, when two clerks sit side by side at the same table, one in the classified civil service, the other not, I see no reason why one should be permitted to be active politically and the other forbidden to be politically active. I realize that certain types of officials, who are essentially policy-making officials, such as the President of the United States and members of his Cabinet, should be exempted from the general rule. A distinguished Senator yesterday said this rule should be applied to them, and that they should be removed from office if they played politics. The Senator said he could see no distinction between such officials and other Government employees.

Mr. President, there is a distinction between ordinary Government employees and officers who are charged with the high duty and responsibility of formulating programs and policies, because the latter must not only sell those policies—if I may use that expression—to the country, but they must be able to defend their policies against attack. Everyone knows that to be so. Such officers are distinctly political officers, and it is not difficult to distinguish between them and other governmental employees, the great mass of whom perform merely clerical duties, which are not political in any sense. But they are made political, and are used, as we all know, for the purpose of playing the old game of American politics. They are used to control and dominate conventions, and have been so used many times in our history.

The issue raised by the amendment of the Senator from Arkansas [Mr. MILLER] is the old issue which has been presented almost since the formation of our Government. It is the issue between what we call the spoils system, the patronage and job system, and the one which relies upon merit and efficiency.

I know that Senators say this measure does not provide any merit and efficiency test, and that it only prohibits political activity on the part of employees. That is quite true. But I have on more than one occasion pointed out that it is my ultimate aim or purpose to include all types of employees I have mentioned under a real, genuine system of merit and efficiency, and the reason they have not been so included, and were not included long ago, is simply that the political masters wanted to use their services for political purposes. There is no use to disguise the fact.

We may talk about good politics, and bad politics, and pernicious politics, and the inherent right of citizens, and all those things which have been mentioned, but the question which confronts us by reason of the amendment offered by the Senator from Arkansas is, Shall the Senate of the United States say that it took one short step last summer looking



toward the removal from politics of those occupying these clerical positions, hoping eventually to establish a real merit system, to do away with some of the baneful and evil influences of the spoils system? We did that last summer. And shall the Senate further say that this year, in an election year, in fact, just before the nominating conventions, we will repeal that law and return to the old system? Is there any significance in the fact that it is now sought to repeal the law?

The Senator from Arkansas said yesterday, "We did not have a chance to debate this bill." Why did not the Senate have a chance to debate it?

Mr. MILLER. No; Mr. President, I said it was not debated.

Mr. HATCH. I misunderstood the Senator. If it was not debated, it was not my fault. It is true that it passed the Senate on the unanimous-consent calendar.

Mr. President, yesterday my attention was diverted for the moment, and I perhaps inadvertently addressed a remark to the Senator from Indiana when the Senator from Arkansas had the floor, without saying "Mr. President, will the Senator yield to me?" But just now the Senator from Arkansas failed to give me the courtesy which yesterday he demanded that I give to him.

Mr. MILLER. Mr. President, I beg the Senator's pardon.

The PRESIDING OFFICER. Does the Senator from Arkansas wish the Senator from New Mexico to yield to him?

Mr. HATCH. I shall yield to the Senator if he wishes me to do so. What I said was simply a little side remark.

Mr. President, as I previously said, I wish to discuss today to some extent the general philosophy of the two types of systems, the merit system and the spoils system, to which we will return if the Miller amendment is adopted.

The Senator from Indiana [Mr. MINTON] said he does not see anything in politics which is bad. Those are not his exact words, of course.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. What I think I said was that I did not see anything pernicious in an American citizen voluntarily taking part in a political campaign and being for whomever he wants to be for.

Mr. HATCH. Of course not, Mr. President. An American citizen may take part in a political campaign and be for anyone he wants to be for. That would not be pernicious political activity, and there is nothing in the pending measure or the present law which would prohibit it.

Mr. MINTON. It would be under the original Hatch Act if he happened to hold a Federal office, and under the pending bill if he held a State office.

Mr. HATCH. I do not agree with the Senator at all. The bill does not have the effect of prohibiting an officeholder from being for whomever he wants to be for.

Mr. MINTON. And going out and campaigning for him?

Mr. HATCH. He is prohibited from going out and campaigning for him actively.

Mr. MINTON. That is what I objected to, and I said I thought the title did not properly set forth all the things the bill encompassed. If the bill encompasses that sort of action on the part of an American citizen, I think it is bad. I do not think such action is pernicious.

Mr. HATCH. I wish to give the Senate a picture of the system to which the Senator from Arkansas would return, the system to which the Senator from Indiana has referred. It is not a picture which I draw myself. It is not a picture drawn by any politician. I shall use the words of one of the foremost historians of the United States, who said:

Whenever a new political party came into power, all, or nearly all, the employees were turned out of office to make room for members of the victorious party.

Is not that exactly the system some Senators want to keep in effect?

Persons were appointed, not because they were competent, but because they were Republicans or Democrats, or partisans of some other kind. Competent officials and laborers were discharged after long and faithful service, and inexperienced politicians were put in their places.

Mr. President, that has happened time and time again throughout the history of our country.

Unnecessary positions were created to provide employment for party workers.

Is it being done today, Mr. President? Certainly it has been done. I am not accusing my own administration of something of which other administrations have not been guilty; but I do accuse both parties under this system, over a long period of years, of having created positions to reward party workers. That is the system to which the Senator from Arkansas [Mr. MILLER] would return.

Salaries were not closely related to the nature of the work but rather to the requirements of the political incumbent.

I ask Senators if that is not true, if their own experiences have not made them aware of many instances of salaries not being related to the work but rather to the need?

I am coming directly to the thing to which the Senator from Arkansas [Mr. MILLER] and the Senator from Indiana [Mr. MINTON] object, and their reason for wanting to strike out section 9.

Those who held offices were expected to devote a part of their time toward helping the party in elections, and often they gave more hours to partisan services than to public duties.

Is it a true charge? I make the charge today. It is true:

They made large contributions from their salaries to party campaign funds—

Is that a true charge? I make the charge today—

and if they failed to contribute they were assessed by the party treasurers.

Here I add my own statement that if they paid not the little contributions assessed against them, no matter what their need or the need of their families might be, it was only a question of time until there was a vacancy in that office, and someone else who would pay—even pay through the nose—was given the job. That is the system to which the Senator from Arkansas wants to return, and that is the thing at which we are striking, even though feebly, by section 9.

In course of time, the public officers in each party and those who aspired to hold office, became closely organized as party workers. They made up the bulk of party committees and conventions.

Is not that true today, Mr. President?

They were directing captains in election campaigns. In short, the political party became, to a considerable extent, an office-getting machine.

From the deep, grave concern manifested yesterday on the floor of the Senate by my distinguished friends, I am inclined to think that in some places political parties today consist of job-getting machines.

The historian adds:

The ordinary citizen was elbowed aside by officeholders who had an abundance of time at public expense to do the active work of parties.

Am I going too far in suggesting the thought that perhaps those who are so outraged at the passage of that simple bill last summer might want to use officeholders in this very election to elbow aside ordinary citizens?

The historian concludes:

Thus administration was perverted from its true purposes of serving the public and made subordinate to the job-hunting interests.

Mr. President, I do not want to see administration perverted from its true purposes of serving the public and made subordinate to job-hunting interests. When I lay down that proposition, I stand in most respectable company. When I say that it is wrong for Federal employees actively to engage in politics and to be used to dominate and control elections, as a Democrat I stand with the greatest and best of Democrats; and I am not ashamed of my company. It was the first great Democrat—that great President of the United States, that great leader and great liberal, Thomas Jefferson—who issued the first executive order on this subject.

In 1801 Thomas Jefferson said:

The President of the United States has seen with dissatisfaction officers of the general government taking on various occasions

active part in the elections of the public functionaries, whether of the general or of the State governments. Freedom of election being essential to the mutual independence of governments \* \* \* so vitally cherished by our constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right.

That view was expressed by Thomas Jefferson in an Executive order. However, he did not stop there. He went on to say:

The right of any officer to give his vote at any elections as a qualified citizen is not meant to be restrained; nor, however given, shall it have any effect to his prejudice; but it is expected that he will not \* \* \* take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Later, Thomas Jefferson wrote a letter, in which he said:

The event of the election is still in dubio. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom coming over to the Republican vote will make a ninth State. Till this is known it is too soon for me to say what should be done in such atrocious cases as those you mention of Federal officers obstructing the operation of the State governments.

Complaint had evidently been made that Federal officials were working in the States.

One thing I will say, that as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government.

That is what Thomas Jefferson wrote; and that is true today, Mr. President. Think of the few officers and employees in Thomas Jefferson's time. And yet he was concerned about the smothering of freedom of the elective processes by the enormous patronage of the Federal Government. Today the patronage of the Federal Government in Washington runs into the thousands, and it extends to every State capital, every county seat, and every township in the Union.

No wonder, Mr. President, that some Senators want to use that terrific force to perpetuate themselves and their party in office. But, with Thomas Jefferson, I say, Mr. President, that when that is done we destroy the very processes of free government and smother them with the enormous patronage of the Federal Government. Last summer we tried to introduce one little check, one little weight in the balance, to protect against that danger by writing section 9 into the bill. That is all we tried to do. But the Senator from Arkansas [Mr. MILLER] says, "You are interfering with the inherent, God-given rights of citizens, and we must repeal that section of the statute."

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. In connection with the assertion of the Senator from Arkansas that the Hatch bill was passed without any debate, while it is true that originally the bill was passed without objection upon the call of the calendar following a very brief explanation by the Senator from New Mexico, it is also true that on July 21, 1939, at page 9671, volume 84, part 9, of the CONGRESSIONAL RECORD, when the bill came back from the House the Senator from New Mexico moved to concur in the House amendments, and that a somewhat extensive colloquy took place, participated in by the Senator from New Mexico [Mr. HATCH], the Senator from Indiana [Mr. MINTON], at whose instance the matter had been held up when the Chair was putting the question, the Senator from New Mexico [Mr. CHAVEZ], and myself.

I desire to ask the Senator from New Mexico if it is not a fact that what occurred with reference to this bill was that the bill passed the Senate on the call of the calendar; that there was subsequently developed a general impression that the bill was to be emasculated in the committee of the House of Representatives; that the bill was in fact emasculated in the Judiciary Committee of the House of Representatives; that subsequently, in a very hot fight in the House of Representatives itself, teeth were put back in the bill; that the

motion of the Senator from New Mexico on that day to concur in the House amendments simply amounted to the passage of the bill, and it was on that occasion that a short and rather heated debate occurred in the Senate of the United States as appears on the pages of the RECORD to which I have referred?

Mr. HATCH. The Senator from Missouri is entirely correct in his recollection of the incident.

Mr. CHAVEZ. Mr. President—

Mr. HATCH. I yield to my colleague.

Mr. CHAVEZ. I think the Senator from Missouri has stated what happened at that particular time correctly, but in order further to keep the record straight, so far as I am particularly concerned, I believe I stated to my colleague at that particular time that if I had been in the Chamber at the time the original bill was passed I would have voted against it. I did not raise any point whatsoever as to concurrence in the House amendments.

Mr. CLARK of Missouri. There is no question about that. I simply mentioned the Senator from New Mexico because his name appears in the colloquy.

Mr. MINTON. Mr. President, will the Senator from New Mexico yield to me?

Mr. HATCH. I yield.

Mr. MINTON. With further reference to the matter brought up by the Senator from Missouri, I will state that the question before the Senate was the narrow one of concurring in the House amendment. I went to the desk while the Senator from New Mexico was speaking on his motion to concur in the House amendments and found that the House amendments had not materially changed the Senate bill. I came back and so told the Senator from New Mexico. I never made any further objection on that occasion. I will ask the Senator from New Mexico if that is not correct?

Mr. HATCH. I am always glad to bear witness to a statement of the Senator from Indiana.

The Senator from Missouri [Mr. CLARK] did correctly detail the situation, and what occurred on that occasion. As I recall, there was a little heat in the exchange of words between the Senator from Indiana and me, but I quite well recall on that occasion exactly how the Senator from Indiana concluded his remarks, and I will say to him that I am just as appreciative of his fine attitude in his concluding remarks on that occasion as I am for his action on the day he recognized me while he was in the chair. I wish I could say as much for his attitude in connection with the pending bill.

Mr. President, I was talking about the spoils system and what a danger it was to this Government. Only yesterday I think one of the most respected and honored Members of this body, talking with me, said, "There is no question, Senator, that when you strike at the patronage evil you strike at the greatest single evil in governmental affairs today." Those are not my words, but I know that the patronage evil has cursed this country for many years. I recall, from my reading and study of history, that after the passage of the 4-year law in 1820 the patronage evil grew and grew, and while during a long period of time there were some zealous souls trying to enact a merit system, no progress whatever against the evils of patronage was made until, Mr. President, what happened?

Mr. CHAVEZ. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to his colleague?

Mr. HATCH. I will yield in a moment. What happened to awaken this country to the need of a merit system? It took the assassination of a President of the United States. I now yield to my colleague.

Mr. CHAVEZ. Mr. President, no one can disagree with my colleague when he discusses the evil of patronage. I do not think there can be a Senator or anyone else who would disagree with my colleague in that respect and dare to call himself an American. But there are some Senators who are looking at this matter from a different point of view. Concurring fully in the statement as to the difficulties caused



by and the evil of patronage, still I think that Americanism should be considered when we undertake to pass a bill to safeguard against the patronage evil.

Mr. HATCH. I thank my colleague. I think he said that he thought Americanism should be taken into consideration in passing the bill. Of course, I thoroughly agree with that sentiment and statement. I do not think there is anything un-American about protecting the electorate against the political activities of the ever-increasing number of Government employees.

The Senator from Arkansas [Mr. MILLER] said he wanted to protect the average citizen of this country; that he wanted to repeal the law which forbids political activity on the part of employees of the Federal Government in order to protect the average man of America. What a conception of the average man of America the Senator must have. I do not know what he thinks about him, but I will tell him in what I think the average man of America is interested. He is not interested in the holding of a public job. The average man of America is not on the pay roll of any State or of the Federal Government. The average men and women of America are down on the farms and in the stores and in the shops and other places of work in this country, trying to make an honest living and pay to their Government the taxes with which to maintain and operate the affairs of government. That is what the average man is doing, and he is asking that the man in public office render the same sort of public service for his pay and compensation that the average man has to render in his private capacity.

The junior Senator from Kentucky [Mr. CHANDLER] yesterday made a very happy and excellent statement of what the people of this country desire. I think it is no accident, Mr. President, that only last week in one of the Gallup polls on a question involving issues connected with this type of legislation 77 percent of those interviewed voted in favor of such legislation. The people of America—the average men and women—do not believe in a public employee taking time off from his duties to attempt to run the political affairs of the country. They are tired of it, as the Senator from Kentucky said.

Mr. President, I must hasten along; the subject is broad and there is so much which may be said about it that one could speak for hours and hours and yet not cover it. But I did say that I was not ashamed of the company I keep in sponsoring this type of legislation.

I am a Democrat, Mr. President; I have always been a Democrat. When I first began my experiences in politics as a young man and became more or less active in the Democratic party, it was the minority party, both in the State and in the Nation. We had no patronage to give out; we had no jobs. We went before the people basing our claims for recognition upon the principles enunciated by our party during the years; and what has our party said? I have before me the Democratic pronouncements since 1872 on this subject. I have the words of Grover Cleveland, of Woodrow Wilson, and of the other great Democrats on this subject. In 1872 our party said, among other things, and I shall quote only part of it:

Honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage; and that public station become again a post of honor.

In 1892—I am skipping several others, but in every year the same general declaration will be found—this declaration was made:

Public office is a public trust.

How many Democrats have stood on the platform and proclaimed that doctrine—"public office is a public trust"?—

We reaffirm the declaration of the Democratic National Convention of 1876 for the reform of the civil service, and we call for the honest enforcement of all laws regulating the same. The nomination of a President—

And this is what I want Democrats to listen to—

as in the recent Republican convention, by delegations composed largely of his appointees, holding office at his pleasure, is a scandal-

ous satire upon free, popular institutions, and a startling illustration of the methods by which a President may gratify his ambition. We denounce a policy under which Federal officeholders usurp control of party conventions in the State, and we pledge the Democratic Party to the reform of these and all other abuses which threaten individual liberty and local self-government.

In 1924—

We pledge the Democratic Party faithfully to comply with the spirit as well as the regulation of civil service; to extend its provisions to internal-revenue offices and to other employees of the Government not in executive positions.

That is what we pledged in 1924.

Again, as late as 1936 our party made the same declaration, in which we pledged ourselves to place under the civil service all the employees of the Government except policy-making officials.

Our party has proclaimed over the years, in far more vigorous and more strenuous language than mine, the principles incorporated in the act which the Senator from Arkansas [Mr. MILLER] would repeal.

Mr. President, I could say many, many other things on this subject. I have said what I have, not discussing the bill itself at this time, but only discussing the amendment of the Senator from Arkansas, giving something of my own philosophy of government, because I cannot believe that the Senate of the United States, having only last summer taken this short step, will now repeal that step and go backward to the spoils system.

Mr. President, I want to be perfectly plain and sincere. The Senator from Arkansas said something about being misled into voting for this bill. I want him to know exactly what the bill provides, as he does know what section 9 provides. I want every Senator to know what it provides. I want all Senators to know what is being done when they vote for or against the amendments offered by the Senator from Arkansas. It is not a personal matter with me. I want the Senate to speak out boldly and frankly this day, if you please, and, if it so determines, say to the people of America, "We are going back boldly to the spoils system and everything it portends. We are going to undo all that we tried to do last summer." If that be the will and judgment of Senators of the United States, it shall be my will and judgment until I can present another bill on the subject.

Mr. McCARRAN. Mr. President, while the able Senator from New Mexico is on his feet, I am wondering if he fully realizes the import of the amendment offered by the Senator from Arkansas.

If the amendment of the Senator from Arkansas should prevail, of course, it would practically set aside the effective part of the law which has deservedly brought to the able Senator from New Mexico so much renown and so much fame. I am wondering if the able Senator from New Mexico, in fostering the pending bill, has not lost sight of his own great measure which he put through last summer, in that he is now about to extend it to a point where its very enemies are willing to accept it. That seems to be the program as I read it at this time. I am wondering if the Senator has given thought to that subject.

Mr. HATCH. I do not so understand the situation; and if the enemies of that for which I am working are willing to accept it, I certainly want to look at it most carefully.

Mr. McCARRAN. I think it would be well for the Senator to look over some interviews and statements made in the not-far-distant past by those who were not at all favorable to the Senator's bill last summer.

Mr. HATCH. I thank the Senator for the suggestion.

Mr. MILLER. Mr. President, I do not want to delay a vote on the amendment proposed by myself yesterday, and I shall not delay a vote; but, in view of the fact that I have sponsored the amendment, I desire to take 4 or 5 minutes to acknowledge again my appreciation of the honesty, fearlessness, and sincerity of purpose of the Senator from New Mexico; and I extend to him my sincere sympathy in his misunderstanding and misconception of what he has wrought.

The question was asked by the distinguished Senator, "Where was the Senator from Arkansas on the memorable

night of June 2, 1938, when it was sought to protect the W. P. A. worker from the coercion of those above him?" I do not care to rehash all of the things that occurred on that night; but a mere perfunctory glance at the RECORD will show that the Senator from Arkansas was here and voted with the Senator from New Mexico to attain that very laudable objective.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HATCH. Does the Senator recall where he was when the real test came in the Senate on the motion to reconsider?

Mr. MILLER. To reconsider the amendment of June 2? I presume I was here.

Mr. HATCH. Will the Senator look at the RECORD and refresh his memory?

Mr. MILLER. I shall be very glad to look at it; but, be that as it may, I have no apology to make to anybody at any time, I hope, because of the attitude I may take here in the support of measures in accordance with the information I may possess at the time.

The Senator from New Mexico is in error if he has persuaded himself to think that any Senator or any Member of the House of Representatives or any other American citizen wants to coerce any man who is on W. P. A., or any other laborer. That is entirely beside the question. I do not want the Senate to be carried away by an argument that is not germane to the issue. The only issue at this time on the amendment proposed by myself is whether or not we will prevent certain employees—and I say little employees, I say certain men—from exercising the rights of citizenship, and then at the same time give to the very men who were inveighed against by Thomas Jefferson the right to go to the party convention and dictate to them, dictate the policies of the Democratic Party, and write the platform of the Democratic Party.

Who ever heard of an insignificant Government employee writing a platform of the Democratic Party? Who was the man to whom Thomas Jefferson referred in the document read by the Senator? It was not the man for whom I am speaking; it was the man the Senator has excluded from the bill. It was the man who is dictating the policies of the Government; and dictating, if you please, the policies of the political parties.

What is sauce for the goose is sauce for the gander. If we are to make this law applicable, let us make it applicable to the heads and to the assistant heads of the departments. They are the ones who have been causing the trouble.

Mr. HATCH. Mr. President—

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. MILLER. I yield.

Mr. HATCH. In line with the Senator's present thought, if that was his purpose, why did he not present an amendment to strike out that portion of the act making the exemption?

Mr. MILLER. There is a very good reason why I did not present it. It was because I was dealing with one particular subject; and section 2 of the law, which is not interfered with by my amendment, takes care of that as well as it might be done.

We hear talk about Thomas Jefferson and about the significance of the time when this amendment is offered. If there is any significance in the time when the amendment is offered I am responsible for it. I gave no thought to the time when the bill should come up. I do not guide the policies of the Senate. I am not consulted by the leadership of this body as to when a bill shall come up or when it shall not come up. I have not served here long enough, and I am not a man of sufficient ability and experience to justify consultation along those lines. So I had no other chance to bring the amendment before the Senate until this opportunity presented itself.

Mr. President, I stated awhile ago that I did not intend to discuss the bill further. I appreciate the hearing the Sen-

ate gave me yesterday afternoon when I undertook, in my way, to analyze the Hatch Act. I analyzed it then, and there has been no change in my view about the Hatch Act. The Senator from New Mexico was evidently satisfied with the analysis I gave of the Hatch Act.

The only thing this amendment will do—and I hope the Senate may vote on it now, unless other Senators desire to discuss it—will be to repeal section 9 of the original Hatch Act and substitute the repealing clause for the part of section 3 of the pending bill printed in italics. That is the question squarely put, and I accept the challenge of the Senator from New Mexico when he says that he would like to have the issue met squarely. I would, too, because I believe the Senate knows the issue. I believe the Senate is advised as to what the provisions of the original Hatch Act are. I know that the motives of Senators are pure, and those who may disagree with the Senator from New Mexico nevertheless are motivated by the same sincerity of purpose and the same patriotism and the same love for this Government and its democratic processes which animate the able Senator from New Mexico. There can be no dispute about that. There should not be any argument. There should not be any heat, as the saying is. We should look at the matter dispassionately.

Mr. President, I again wish to propound a question to the Senate, and again refer to the document of Thomas Jefferson and the historical statement which was read by the Senator, which inveighed against the control of Democratic conventions. I am trying to prevent that very thing. But if section 9 remains in the act it will not be prevented, and the Democratic convention and all other conventions will be controlled by heads of departments and assistant heads of departments, by Cabinet officers, and by others who are under no restriction at all. Yet the man who pushes a wheelbarrow, the engineer, the janitor, the clerk, the stenographer, and others, can only vote; they must not open their mouths; they must not exercise their right of citizenship. All I am asking by this amendment is that their rights be secured. That is why I want the issue presented squarely to the Senate, and I hope that the Senate will vote to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHY] to the committee amendment.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarran	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. McCARRAN. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I understand that we are to vote on what is known as the Miller amendment at this time.

The PRESIDING OFFICER. No; the pending amendment is an amendment offered by the Senator from Connecticut [Mr. DANAHY], which is an amendment to perfect section 3.

Mr. BARKLEY. Mr. President, I have been debating in my mind whether I ought to express my views with regard to the



Miller amendment and the measure to which it is offered. I wish to announce at the outset that I have no expectation that anything I say here will influence a single vote, and I do not care whether it influences a single vote or not; but I entertain certain views upon the subject of this legislation, and I do not think my position here proscribes my expression of those views when I entertain them.

The history of this legislation is familiar to nearly every Member of the Senate. It grew very largely out of accusations made and denied 2 or 3 years ago with respect to relief appropriations. The first time it was projected into the Senate was when the Senator from New Mexico [Mr. HATCH] offered an amendment to a relief appropriation denying the right of persons who worked under W. P. A. and other relief projects to participate in the exercise of political rights. I opposed that amendment at the time, as the Senator from New Mexico will recall, and as the Senate knows, not because I desired that coercion should be exercised, not because I desired that those working on projects promulgated by the Government should be coerced or intimidated, not because I believed that those employed on such projects ought to be compelled or even requested to take part in or to donate toward the election of anyone, or the defeat of anyone who was a candidate for office; but I opposed that amendment then because it set up a special class among those who work for the Federal Government, and denied to them the rights exercised by every employee of every other form of government. Because I did not believe that a special class should be made of Federal employees, I voted against the amendment.

The Hatch bill became law. If it became law without proper discussion on the floor of the Senate, it was the fault of no one but the Senate itself. It is no excuse now for Senators to say that it was passed without debate, because they could have debated it had they wanted to. The bill was passed, as I recall, on the call of the calendar, and without debate. Any Senator could have objected to the consideration of the bill.

Mr. HATCH. Mr. President—

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Kentucky yield to the Senator from New Mexico?

Mr. BARKLEY. I yield.

Mr. HATCH. Many Senators were present. They knew full well what the bill was, because the Senator from Nebraska rose and mentioned the bill and asked me to explain it briefly, which I did. The Senator from Texas [Mr. CONNALLY] also made a similar request.

Mr. BARKLEY. Am I not correct in stating it was passed on the call of the calendar?

Mr. HATCH. Yes; and no one objected.

Mr. BARKLEY. It was not taken up as a special order, and no Senator objected to its consideration.

Mr. HATCH. And it was passed with full knowledge of what was being done.

Mr. BARKLEY. There was no yea-and-nay vote on it, but that still was the fault of the Senate, because such a vote could have been had if a Senator had demanded it, and had received sufficient seconds to obtain it.

So the bill passed the Senate in the ordinary procedure in which Senate bills are frequently passed.

When the relief appropriation bill was under consideration a year or so ago, the Senator from New Mexico, I believe, offered an amendment to the bill practically embodying the principles involved in the Hatch bill, but his amendment then, as I recall, applied only to Federal employees, and on the floor of the Senate I offered an amendment to that amendment, placing the same restrictions on the employees of States when their compensation was in whole or in part paid out of the Treasury in Washington, and the Senator from New Mexico agreed to that amendment. It was adopted, but was stricken out later in conference.

Mr. HATCH. Mr. President, the amendment which I offered to the relief bill was presented to the committee. The committee first adopted it as a committee amendment and then, as I recall, when it reached the floor the Senator from

Kentucky offered it. I know that the Senator from Kentucky at all times was consistent in his contention that the law should apply to employees in the States.

Mr. BARKLEY. The only objection I had to the legislation in any form was that it was too narrow in its application and that it should extend to all Government employees, by whomsoever appointed, when their compensation was drawn from the Treasury of the United States.

The purpose of the pending bill is to accomplish that result. As I said yesterday, one or two provisions of the amendment of the Senate committee have disturbed me and still disturb me, but they have no relationship to the points I am now undertaking to make.

Mr. President, from the very beginning of the effort in this country to take appointments of Federal employees out of the spoils system and base such appointments on merit, there has been opposition. I know how natural it is that such opposition should exist. I do not proclaim myself better or worse than other men, and I am subject to the same inclinations, the same desires, and the same reactions.

I came into Congress as a new Member of the House under the Wilson administration. My term as a Member of the House of Representatives began on the 4th of March 1913. The Republicans had been in power ever since Cleveland's second term. All the offices were held by Republicans. Every postmaster in my congressional district was a Republican. Immediately clamor arose to discharge those Republicans and to put Democrats in their places, and with that I was in sympathy. Every time a vacancy occurred in a post office in my district, while I could recommend the appointment of only 1 person, there were anywhere from 15 to 20 applicants for the position.

Mr. President, I do not agree with the statements made some years ago by a distinguished Senator, whose name I do not now recall—it has been attributed to a number of Senators—that every time you appoint 1 man to office you make 14 enemies and 1 ingrate. I do not subscribe to that theory.

I wish to say that the men and women whom I have recommended and for whom I have secured appointments in my State, and in my congressional district, were loyal friends of mine, and have remained so, and I appreciate their loyalty and their friendship.

I do not believe that patronage is altogether a burden. It is a burden, but I do not think one makes an ingrate every time he has a man or woman appointed to office. The statement to which I referred was undoubtedly a wisecrack made by someone who was probably sore because the question of Federal patronage had to be submitted to him in any case.

Mr. President, during the first years of the Wilson administration, when I had only postmasterships to settle in my district, I was so bombarded and bedeviled when working on the problem of deciding among my friends, that I was almost completely disqualified for the duties for which my district sent me here, which was to legislate wisely for the benefit of its people. After all, when we sit down and think these things over in our own minds we are bound to admit that the people of our States do not send us here primarily to appoint men to jobs.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MINTON. Does not the Senator think we had better attack this problem then from the proper standpoint, and take Senators out of the patronage business, instead of punishing people for taking part in politics?

Mr. BARKLEY. Mr. President, I have not seen any serious effort made on the part of anyone to take Senators out of the patronage business, and whenever such an attempt is made it may have my serious cooperation.

What I wish to emphasize is that, however much we may long for the power of appointment, however much we may seek to grasp it, however much we may oppose having it taken away from us, it is in effect a method by which our time and our attention is so consumed that we are almost disqualified for the performance of the real duties for which the people sent us to the Senate.

So far as I am concerned, I would welcome any legitimate, fundamental, and sound program which would make it possible for Senators to devote their time unreservedly to the legislation which comes before them and to the study and research that is necessary in order that they may understand the problems of government, rather than give so much of their attention necessarily, and without any power of escape, to the consideration of men for office within their own States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. The Senator can easily accomplish what he desires in this bill. The bill especially exempts from its terms Representatives and Senators. All the Senator has to do is to move to strike out the language with respect to Senators and Representatives. Then he would be amenable to the law, and if Senators were amenable to the law we would not appoint anyone to office. I think this is the best place in the world to make that provision.

Mr. BARKLEY. That would not relieve Senators. We could pass a law, I suppose, which would take away from Senators the right to recommend to any department the appointment of anyone, but we could not pass a law which would relieve us of our obligation to confirm or reject any nomination sent to the Senate by the President.

As I stated yesterday, I do not believe that a Senator, a Governor, a Representative, or any other elective officer ought to be denied the right, or ought to escape the obligation, of going before the people and giving an account of his stewardship, in order that they may pass upon his qualifications for reelection. I would not vote for any measure which denied to me, or to the Senator from Maryland, or to the Senator from Nevada, or to any other Senator, either the right or the obligation to lay his record before the people who have chosen him, in order that they may determine whether or not they desire to reelect him.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. The Senator recognizes that the thing about which he is now talking is the very reason for the exemption of Senators, Representatives, and policy-making officials, because there is a necessity for doing that which the Senator mentions.

Mr. BARKLEY. I think we underestimate the feeling of the rank and file of the people, who are not interested in office, but who are interested in good government. We sometimes overestimate the power and influence, the merits, and the rights of those whom we have been fortunate enough to put into office. They have no more rights than anyone else; and in order to hold a Government position it may be necessary now and then to surrender some rights which non-officeholders enjoy.

Mr. President, I am for this bill. I am for it because it undertakes to place on the same footing all employees who draw their salaries from the Government of the United States. I do not think it is fair to tie every Federal employee to a tree and allow every State employee who draws his pay from Washington to roam at large over the wood lot, play politics, exercise his influence, and bring about intimidation or coercion in State highway departments, among old-age pensioners, or among those who are unemployed and who are looking to Washington and their State capitals for relief from unemployment.

We have a program of highway construction in which we require the States to match, dollar for dollar, all that we put up out of the Federal Treasury. Many of the employees appointed by State highway commissions draw half their pay out of the Treasury in Washington, and under the law as it now exists they are free, without restriction. They may not do a lick of work in any month or in any 6 months prior to a primary election or general election. They may devote all their time to political propaganda for someone who happens to have appointed them, and under the law as it now exists nothing can be done about it. They are free to do as they please, and yet every employee of the Federal Government is

hog-tied—if I may use such an expression—so far as his political activities are concerned.

I am not one of those who is advocating the restoration of such activities and powers to Federal employees; but I believe the same restrictions, the same rules and regulations, and the same standards should be applied to State employees who draw any part of their pay from Washington.

We have passed an old-age pension law. One dollar is put up by the Federal Government for every dollar put up by the States, not only for pensions but for the expenses of administering the old-age pension law. Every old-age pension agent in every county in every State in the United States receives half of his or her compensation from the Treasury of the United States. If, under the Hatch Act, a deputy internal-revenue collector, a deputy United States marshal, a foreman on a W. P. A. program, or a foreman in a civilian conservation camp may not indulge in politics, may not engage in campaigns, may not accept any political or partisan appointment or responsibility, why should an old-age pension agent drawing 50 percent of his or her compensation out of the Treasury at Washington be permitted to roam at large under the direction of some power within a State which has brought about his or her appointment, and do the very things which our employees are not permitted to do? In my judgment, there is no reason for a separate standard for Federal employees and State employees.

That brings me to the amendment offered by my good friend from Arkansas [Mr. MILLER]. I exceedingly regret to find myself in disagreement with my friend from Arkansas, and I exceedingly regret to find myself in disagreement with my colleagues on the Democratic side, some of whom have asked me not to say a word in behalf of my position and the things in which I believe.

Mr. President, I try to be as diplomatic in the performance of my duties as any other Member of the Senate, but whenever the time comes when I must stifle my voice and not express my honest convictions because I happen to be majority leader of the Senate, I will call a conference of the Democratic Members of the Senate and tender my resignation as majority leader. I still entertain a few individual views which I have the right to express. I shall express them whenever I think it my duty to do so. I think it my duty to do so now.

This brings me to the amendment offered by the Senator from Arkansas.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. JOHNSON of Colorado. The Senator refers to persons receiving old-age assistance from the Federal Government, which provokes this question in my mind: Under the provisions of the pending measure, would a person receiving a pension be barred from participating in or holding office in any pension movement such as the Townsend movement?

Mr. BARKLEY. I should like to have the Senator from New Mexico [Mr. HATCH] answer that question.

Mr. HATCH. He certainly would not be. Such a person would not be barred from such activity. The bill applies only to officials and employees. Under no circumstances could it apply to the persons mentioned by the Senator from Colorado.

Mr. JOHNSON of Colorado. It would not apply to one receiving a pension?

Mr. HATCH. No. I am quite certain about that.

Mr. BARKLEY. I will say to the Senator from Colorado that that is also my opinion. The bill would not apply to the beneficiaries of any pension law. They are entitled to those things as a matter of right and not because they have been appointed to office by someone in a higher office.

I was about to say that there is no Member of the Senate for whom I have more affectionate regard than for the Senator from Arkansas [Mr. MILLER]. As he knows, I have grown very fond of him personally since he has been in the Senate. He has grown on me as a legislator and as a statesman. I



hope the people of Arkansas will have the good judgment to keep the Senator from Arkansas in the Senate as long as he wishes to remain and carry out what I believe to be his intentions with respect to making the people of Arkansas an acceptable legislator.

I address this remark to my colleagues on this side of the Chamber: The Hatch Act was enacted very largely by the votes and the attitude of Members on this side of the Chamber, although I do not mean by that remark to say that Members on the other side were not in sympathy with it and did not vote for it. They certainly did not object to it. However, the measure was sponsored on this side of the Chamber. I think it may be truthfully said that it was enacted very largely because of its sponsorship on this side of the Chamber and because of the votes which it received on this side of the Chamber.

The Hatch Act is now the law. It has been accepted by the people of the United States. I grant that there has been some grumbling among officeholders. Some of those who have been appointed in Kentucky on my own recommendation have grumbled at the restrictions placed on them by the Hatch Act. However, it is the law. It was enacted by Congress and signed by the President. It is one of the acts of this administration. If, on the eve of a Presidential election—and I ask my colleagues to ponder this—we are willing to weaken this law, the entire country will regard such action as an effort on our part to make it possible to do in our behalf in the coming election the very things which the Hatch law denounces and prohibits. No matter what our individual views may have been as to the wisdom of the act in the beginning, such action would be so interpreted by the country at large.

So far as I am concerned, I am not willing that the country shall interpret our action here in any such fashion. I am not willing that any vote of mine, or even my silence on the question, shall give excuse for the great body of independent voters in the United States—who are not interested in any appointments, and who care nothing about anything except honest, fair, and good government, in which their welfare is paramount to anybody's job—to be told, or to have any excuse for saying, that the Democratic Party, which put this law on the statute books, is now willing to retrace its steps, and march back down the hill in order that it may receive some advantage in the coming election.

I want my party to win in November, no matter who may be nominated to head the ticket. I want it to go before the country on its merits. I want it to go before the country on its record and its history, and on its proposals to relieve the conditions of the American people and solve their economic and social problems. I am not willing for my party to go before the country under the suspicion that it is trying to use the power of intimidation and coercion so as to compel some of its appointees to be a little more active than they otherwise might be, in order that we may gain a victory in the coming election. I doubt whether we could obtain one by such methods, but, if we could, it would be an unworthy victory on the part of a great political party that has had an unbroken history since the days of Thomas Jefferson.

For these reasons, and not intending to influence a single vote here, not being egotistical enough to believe that I can influence a single vote here, I felt it my duty to express these views as my reasons why I intend to vote against the Miller amendment and support the bill reported by the committee.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Connecticut [Mr. DANAHER] to the committee amendment.

Mr. HATCH. Mr. President, the amendment of the Senator from Connecticut has not been discussed. We have been discussing the amendment offered by the Senator from Arkansas. I should like very much to have a vote first on the amendment offered by the Senator from Arkansas. I ask unanimous consent to proceed with the vote now on the amendment offered by the Senator from Arkansas. Would the Senator from Connecticut object to that?

Mr. DANAHER. I have no objection to following that procedure. I understand, however, and ask if I am not correct as a matter of parliamentary inquiry, that the next order of business would be on the pending amendment which was offered by me?

The PRESIDING OFFICER. The Chair understands that to be the situation.

Mr. DANAHER. I am perfectly willing to agree that the vote be taken on the so-called Miller amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. McNARY, Mr. DAVIS, and other Senators asked for the yeas and nays.

Mr. BROWN. Mr. President, I desire to submit a question to the Senator from Arkansas.

Mr. McNARY. Mr. President a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. What was the decision of the Chair in regard to the request for the yeas and nays?

The PRESIDING OFFICER. The Chair holds that the yeas and nays are ordered.

Mr. BROWN. Mr. President, I should like to propound a question to the author of the amendment. Would the Senator give consideration to a division of the question involved in his amendment? I ask that question for the reason that I am desirous of voting to eliminate section 12 from the pending Hatch bill, but I am not desirous of voting to repeal section 9 of the present Hatch law. Under those circumstances, I do not see how I can do anything but vote "nay" on the amendment of the Senator from Arkansas. I believe the Senator would obtain greater support for the proposition which is about to be submitted to the Senate if such a division of the question were made. I therefore ask the Senator if he is not willing that a division be made so that we may vote separately on the proposition of repealing section 9 of the Hatch law and of eliminating section 12 of the pending bill?

Mr. MILLER. Mr. President, I appreciate fully the desire of the Senator from Michigan, and, personally, I should like to accommodate him, but I cannot see that it would be advisable to divide the question in the amendment proposed by me, because if section 9 of the original law should be repealed, obviously there would be no necessity for section 12 of the pending bill. Therefore I do not see how I could agree to a division of the question.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. MILLER] in the nature of a substitute for the committee amendment, page 4, beginning in line 15, and extending to line 18 on page 7. On that question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I am not advised how he would vote, if present. I transfer that pair to the senior Senator from Georgia [Mr. GEORGE] and will vote. I vote "nay."

The roll call was concluded.

Mr. McNARY. The junior Senator from Wisconsin [Mr. WILEY] is absent because of illness. If he were present, he would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is unavoidably absent.

Mr. RUSSELL. I announce that my colleague [Mr. GEORGE] is unavoidably absent. I understand that if he were present and voting he would vote "nay."

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is unavoidably absent today. I am not advised how he would vote on this amendment.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Texas [Mr. SHEPPARD], and the Senator from Minnesota [Mr. LUNDEEN] are detained on important public business.

I am advised that if present and voting, the Senator from Texas would vote "nay."

The Senator from Montana [Mr. MURRAY] is detained in one of the Government departments.

The Senator from New York [Mr. WAGNER] is unavoidably detained.

The result was announced—yeas 41, nays 44, as follows:

## YEAS—41

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Donahay	King	Schwartz
Bailey	Ellender	Lee	Slattery
Bankhead	Glass	Lucas	Smathers
Bilbo	Guffey	McKellar	Smith
Bulow	Gurney	Maloney	Stewart
Byrd	Harrison	Miller	Thomas, Okla.
Byrnes	Hayden	Minton	Truman
Caraway	Herring	Neely	
Chavez	Hill	O'Mahoney	
Clark, Idaho	Hughes	Pepper	

## NAYS—44

Ashurst	Frazier	Lodge	Shipstead
Austin	Gerry	McCarran	Taft
Barbour	Gibson	McNary	Thomas, Idaho
Barkley	Gillette	Mead	Thomas, Utah
Brown	Green	Norris	Tobey
Capper	Hale	Nye	Townsend
Chandler	Hatch	Overton	Tydings
Clark, Mo.	Holman	Reed	Vandenberg
Danaher	Holt	Reynolds	Van Nuys
Davis	Johnson, Calif.	Russell	Walsh
Downey	La Follette	Schwellenbach	Wheeler

## NOT VOTING—11

Bone	George	Radcliffe	White
Bridges	Lundeen	Sheppard	Wiley
Burke	Murray	Wagner	

So Mr. MILLER's amendment was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment of the Senator from Arkansas was rejected.

Mr. CLARK of Missouri. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], as modified, to the committee amendment.

Mr. DANAHER. Mr. President, a parliamentary inquiry. Does the parliamentary status now revert so that the pending question is on agreeing to the amendment offered by the Senator from Connecticut?

The PRESIDING OFFICER. It does.

Mr. DANAHER. I ask that the amendment, as modified, may be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The CHIEF CLERK. In the committee amendment, on page 6, line 7, it is proposed to strike out the period after the word "determination", and to insert the following, as modified:

Whereupon such officer or employee, or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39 C, Public, No. 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67 C). No such officer or employee shall be dismissed as a result of such determination by said Commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the committee amendment.

Mr. HATCH. Mr. President, I am not at all averse to the idea of providing some method of appeal; but we have not had any opportunity to study the amendment the Senator from Connecticut has offered. To my mind, it complicates the situation to a great extent, and perhaps might seriously

and injuriously affect the administration of the law, if the bill should become a law.

At this time I hope the amendment will be defeated. Possibly I can confer with the Senator and work out something over the evening recess.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the committee amendment. [Putting the question.] The yeas have it, and the amendment is rejected.

Mr. MINTON. I ask for a division.

Mr. LODGE obtained the floor.

Mr. MINTON. Mr. President—

Mr. LODGE. I yield to the Senator from Indiana.

Mr. MINTON. I was on my feet asking for a division.

The PRESIDING OFFICER. All in favor of the amendment will rise and be counted. [A pause.] All opposed will rise. [A pause.] The amendment is rejected.

Mr. DANAHER. Mr. President, what was the ruling of the Chair?

The PRESIDING OFFICER. The amendment was rejected.

Mr. DANAHER. I ask for the yeas and nays.

Mr. McNARY. Mr. President, may I ask what was the count?

Mr. BARKLEY. Mr. President—

Mr. McNARY. May I ask what was the count?

The PRESIDING OFFICER. The Chair understands that it is not the practice to announce the count on a division.

Mr. BARKLEY. Mr. President—

Mr. McNARY. Mr. President, I am satisfied that the count was erroneous. The decision certainly was not in accordance with the will of the Senate. If we are to adjourn or recess now, I shall insist that we have a yea-and-nay vote tomorrow.

Mr. BARKLEY. I have no objection to the yeas and nays on the amendment. I think many Senators do not really understand what the amendment is. It has been my purpose to move a recess because of other matters in which many Senators are interested, and they cannot be on the floor for the remainder of the afternoon.

Mr. ASHURST. Mr. President, before I waive any rights I may have I think we ought to have a yea-and-nay vote on the amendment of the Senator from Connecticut, if there be any doubt about the result.

I did not, from one reading, entirely catch the purport of the amendment. But, Mr. President, while having every confidence in the ability, integrity, and fairness of the particular Commission—the Civil Service Commission—anything constitutional or reasonable that will curb the arbitrary action of some Federal commissions, I desire to support. I want to see the day when *lex* shall be *rex*, and *rex* shall not be *lex*; in other words, when the law shall be the king, and not the king the law.

Mr. BARKLEY. Mr. President, in order that Senators may study this amendment overnight—we shall have to take a recess in a few minutes, anyway—I suggest that the yeas and nays now be ordered on the amendment, if it is desired, and then I hope the Senate may take a recess until tomorrow.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry. If an agreement should be made in accordance with the suggestion of the Senator from Kentucky, would that preclude debate upon the amendment?

The PRESIDING OFFICER. It would not.

Mr. O'MAHONEY. Mr. President, I may say that the reason why I voted against the amendment of the Senator from Connecticut on the division was that I had not had an opportunity to read the amendment or to hear any explanation of it, and I did not want to be put in the position of voting for such an amendment without knowing what it was. I think any matter of such importance should be debatable.

Mr. BARKLEY. I think it is entirely possible that a conference would result in perfecting an amendment that would be entirely satisfactory all around.

Mr. McNARY. Mr. President, I suggest to the able leader that he obtain unanimous consent to vacate the decision



of the Chair. Then the matter will stand open, and debate may continue on the amendment tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. Mr. President, some of us in the rear of the Chamber are unable to hear what is going on; but I should like to know if we back here correctly caught one expression—that there has been some sort of an agreement? Is an agreement pending?

Mr. BARKLEY. No; the situation is this: The Chair declared the amendment offered by the Senator from Connecticut rejected. Upon that announcement the yeas and nays were asked for. I have suggested that in order that Senators may study the amendment between now and tomorrow the yeas and nays be ordered on it, which will not interfere with debate, and then that the Senate take a recess until tomorrow, and let Senators study the amendment. It is an important amendment, and I think many Senators really did not understand its scope. I have no objection to vacating the announcement of the Chair that the amendment was rejected, so that the matter may be open.

The PRESIDING OFFICER. The Senator from Oregon has asked unanimous consent that the decision of the Chair be vacated. Is there objection?

Mr. NORRIS. I object.

Mr. CLARK of Missouri. I object to vacating the decision of the Chair.

Mr. NORRIS. I do not see why the decision of the Chair has anything to do with the matter. We are now asking for the yeas and nays. The request for the yeas and nays properly came after the Chair decided, on a viva voce vote, that the amendment had been rejected. The next thing was the demand for the yeas and nays, which was made. Let us vote on that demand, and order the yeas and nays. That will not interfere with debate. We may debate the amendment all the rest of the week, if we want to. Then, I understand from the expression of the majority leader, a motion is to be made to adjourn or to recess until tomorrow; and that will leave the matter parliamentarily exactly where it belongs. We do not need to vacate any order of the Chair.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is informed that it is too late to ask for the yeas and nays.

Mr. BARKLEY. Under the rules, a demand for the yeas and nays must be made before the Chair announces the result of a vote; so, as a matter of fact, in this case the demand for the yeas and nays did come too late. In order that that may not operate to prejudice anybody, I ask unanimous consent that the decision of the Chair be vacated, so that Senators may study the amendment and we may have the yeas and nays on it tomorrow. I will say to the Senator from Nebraska that there was no other purpose.

Mr. CLARK of Missouri. Mr. President, I must object to that request. I shall have no objection if the Senator from Kentucky asks unanimous consent to have the yeas and nays, but I do object to vacating the decision of the Chair as to the division.

The PRESIDING OFFICER. The Senator from Oregon asked unanimous consent that the decision of the Chair be vacated, and the Chair started to put that question. That is the question now before the Senate; and some Senator wished to be heard on it.

Mr. BARKLEY. That request has been objected to by the Senator from Nebraska [Mr. NORRIS] and the Senator from Missouri [Mr. CLARK]. I repeated the request, and it was objected to by the Senator from Missouri [Mr. CLARK]. I think we may be able to work the matter out by tomorrow. I therefore move—

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BANKHEAD. Before the Senator from Kentucky makes a motion to adjourn or recess, I ask unanimous consent to send to the desk an amendment and have it read and printed in the Record for consideration tomorrow.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the amendment was ordered to be printed and to lie on the table, and to be printed in the Record, as follows:

Amend section 9 of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, by striking out the words "take any active part" and insert in lieu thereof the following words: "shall engage in any offensive or pernicious activity."

Mr. McCARRAN. Mr. President, what is the parliamentary situation? If I understand correctly, the pending question is whether or not the decision of the Chair is to stand.

Mr. BARKLEY. The decision does stand, because the request that it be vacated was objected to.

Mr. ASHURST. Mr. President—

Mr. McCARRAN. I do not like to do the discourteous thing, and I do not mean it discourteously, but may I be advised parliamentarily as to whether or not an appeal from the decision of the Chair is proper at this time?

Mr. ASHURST. Mr. President—

Mr. McCARRAN. May I have a reply from the Chair?

The PRESIDING OFFICER. No; an appeal does not lie, because other business has intervened.

Mr. McCARRAN. The Chair rules that I cannot appeal from the decision of the Chair on the standing vote?

The PRESIDING OFFICER. Yes; it is too late.

Mr. BARKLEY and other Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BARKLEY. I am about to move that the Senate take a recess.

Mr. ASHURST. Will the Senator yield for a moment?

Mr. BARKLEY. I yield.

Mr. ASHURST. In the hope that I might aid in this situation, I wish to make a motion to reconsider the vote. That motion is in order. I voted for the amendment offered by the Senator from Connecticut, and I have a right, under the rules, to make a motion to reconsider.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield.

Mr. NORRIS. Under his own statement the Senator is disqualified from making a motion to reconsider. I voted the other way, and I am trying to get recognition to make the same motion.

Mr. ASHURST. This is another demonstration that I do not know it all. [Laughter.]

Mr. PITTMAN. Mr. President, I move that the vote be reconsidered.

Mr. BARKLEY. Mr. President, has anyone yet made a motion to reconsider the vote by which the Chair declared the amendment lost?

Mr. NORRIS. I have tried to.

The PRESIDING OFFICER. The Chair will state that there was so much commotion that the Chair has not been able to decide whether such a motion has been made.

Mr. BARKLEY. Nothing will be lost by the Senate's recessing until tomorrow, and therefore I move—

Mr. BANKHEAD. One moment; I desire recognition so that I may have leave to have my amendment presented.

Mr. BARKLEY. It was presented.

Mr. BANKHEAD. I did not hear the request put by the Chair.

Mr. BARKLEY. The Senator wants the amendment read.

The PRESIDING OFFICER. Is there objection? Notwithstanding all the confusion, is there objection to having the amendment offered by the Senator from Alabama read?

Mr. McCARRAN. I object.

The PRESIDING OFFICER. The amendment has been ordered to be printed and to lie on the table.

Mr. REED. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I ask for order. First, I want to know whether the Senator from Alabama got into the Record what he was trying to get in.

Mr. BANKHEAD. The Chair stated that my request was granted.

Mr. BARKLEY. I yield to the Senator from Kansas.

Mr. REED. I send an amendment to the desk which I ask to have printed, to be available tomorrow morning when this matter is reconsidered. I might say that the amendment has been submitted to the Senator from New Mexico and is acceptable to him.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

#### RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 7, 1940, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 6, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We have heard with our ears, O God, and our fathers have told us, what work Thou didst in their days in times of old. Turn us again, O God of Hosts, and cause Thy face to shine, and we shall be saved. Comfort the oppressed, feed the poor, and send the laboring conscience peace. For the glory of Thy name purge away our sins and deliver us; cause us to hear Thy loving kindness in the morning, and show us the way wherein we should walk. We pray that we may see in Calvary the wondrous light that makes men free, without which a fairer world cannot be built. We entreat Thee to help us so to live and labor that we shall leave the earth forever brighter. While the years come and go, may our memory stimulate faith, devotion, and goodness in the channels of public and private life. May we bequeath to the world the grand legacy of pure, useful living which age cannot wither, nor this priceless heirloom be destroyed. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include an address of my colleague the gentleman from New Hampshire [Mr. JENKS] on the occasion of New Hampshire State Sunday at Valley Forge, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a statement made on March 4, 1940, by Louis J. Taber, national master of the National Grange.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a resolution sent to me by Labor's Nonpartisan League, and my answer thereto.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an editorial from the Fraternal Order of Eagles.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein

an article from the Arkansas Gazette, and also a letter from the president of the State university.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a speech delivered by ex-Governor Petersen, of Minnesota, over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a short editorial by William Allen White, of the Emporia Gazette.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by having printed therein a speech delivered by the gentleman from Mississippi [Mr. COLMER] on Armistice Day last.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LeCOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein two or three short resolutions of farm groups.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously, there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 38]

Anderson, Calif.	Darrow	Kelly	Simpson
Andresen, A. H.	DeRouen	Maclejewski	Smith, Ill.
Andrews	Dies	Mansfield	Smith, Maine
Barnes	Ditter	Martin, Ill.	Steagall
Bates, Ky.	Douglas	Merritt	Stearns, N. H.
Boland	Elliott	Mitchell	Sullivan
Buckley, N. Y.	Elston	Osmer	Sweeney
Bulwinkle	Faddis	Patman	Taylor
Chapman	Folger	Routzohn	Wallgren
Clark	Garrett	Sabath	Wheat
Connery	Gehrmann	Sasscer	White, Idaho
Creal	Griffith	Satterfield	White, Ohio
Crowther	Hess	Schulte	Youngdahl
Cummings	Jarrett	Shannon	

The SPEAKER. Three hundred and seventy-four Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### EXTENSION OF REMARKS

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Kentucky [Mr. BATES] may be permitted to extend his own remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a short letter from one of my constituents.

The SPEAKER. Is there objection?

There was no objection.

#### THE THIRD TERM

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I rise to make a very important political and nonpartisan announcement by reading a plank from the Democratic national platform of 1912 entitled "Term of President":



We favor a single Presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. Speaker, I am sure that the American people do not believe that any one man in America has been anointed by God to rule over them indefinitely. [Applause.]

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio address delivered by the Honorable ROBERT TAFT, a Senator from the State of Ohio.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial by Mr. Raymond Clapper.

The SPEAKER. Is there objection?

There was no objection.

#### FEDERAL BUREAU OF INVESTIGATION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, in recent days our attention has been called to criticisms made against the Federal Bureau of Investigation and in particular its Chief, Mr. J. Edgar Hoover. I trust we will have confidence in the Federal Bureau of Investigation until we see facts proved which would lead us to another conclusion. I feel that when the F. B. I. returns almost \$3 for every dollar it spends, through collection of fines and the restoration of property, we, as Members of Congress, should think carefully before we hastily criticize such a great law-enforcement agency of the Federal Government.

The SPEAKER. The time of the gentleman from West Virginia has expired.

#### LEAVE OF ABSENCE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that my colleague [Mr. GARRETT] be excused for today and the remainder of the week on account of important business.

The SPEAKER. Is there objection?

There was no objection.

#### CALENDAR WEDNESDAY BUSINESS

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

#### MOUNT MCKINLEY NATIONAL PARK, ALASKA

The Committee on the Territories was called.

Mr. GREEN. Mr. Speaker, by direction of the Committee on the Territories I call up the bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida calls up the bill H. R. 4868, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. JONES of Ohio. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Virginia [Mr. ROBERTSON] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4868, with Mr. ROBERTSON in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GREEN] for 1 hour, and the gentleman from Ohio [Mr. JONES] for 1 hour.

Mr. GREEN. Mr. Chairman, I yield myself 2 minutes. The purpose of this bill is to permit the Department of the Interior to take over, develop, and operate or lease the tourist concessions in the Mount McKinley National Park. It is a good bill, and I trust that there will be no serious opposition to it.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Yes.

Mr. RANKIN. Mr. Chairman, I was in Alaska in 1923, and I was told that the number of tourists who had gone into Mount McKinley National Park increased 50 percent in 1922 over the number who went there in 1921. We asked how many went in 1922 and were told that the number was six. Four went in in 1921.

Mr. GREEN. Yes; and the purpose of this bill is to give them facilities so that more can come in and enjoy this great place, which is a part of the United States. This park had some 2,000 visitors last season.

I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, the Mount McKinley National Park is unquestionably one of the greatest and one of the most majestic parks of the United States. Large in area, it is situated in the interior of Alaska. It can be reached—and this is an important point—in only one of two ways: First, by the Alaska Railroad; and, second, by air. Although Alaskan people travel extensively by air, the tourists who come to Alaska and who are principally the ones to visit the park, travel almost exclusively by the Alaska Railroad. So the park may be said, in a sense, to be an adjunct of the Alaska Railroad.

Many years ago, in accordance with the present custom of handling the national parks of the United States, a private concessionaire, called the Mount McKinley Tourist & Transportation Co., secured from the Department of the Interior a concession to operate the transportation and hotel facilities in Mount McKinley National Park, and that company has operated the facilities from the beginning of the term of the concession until the present time. The concession, however, expired about a year ago and was renewed for a period of only 1 year. At the same time the principal stockholder of the Mount McKinley Tourist & Transportation Co., Mr. James L. Galen, died, and there is no one in the company who has the same energy and the same desire to carry on the business.

This is not my bill. It is proposed by the Secretary of the Interior. At the expiration of the concession of the Mount McKinley Tourist & Transportation Co., and after the death of Mr. Galen, and in view of the fact that the concessionaire, or whoever operates the park, ought now to erect a hotel or lodge in the interior of the park near the base of Mount McKinley, which, as you know, is the highest mountain on the North American Continent, the Secretary of the Interior and the park officials, considering the fact that, as a practical matter, the park can only be reached by travel on the Alaska Railroad, decided that it would be to the advantage of everybody, particularly for the benefit of the tourists who visit the park, to have the Department of the Interior, through the Alaska Railroad, take over the transportation facilities in Mount McKinley National Park, and buy out the property and equities of the present company which has operated up until the present time.

Now, that is all there is to the bill. I do not know, and nobody can tell until an appraisal has been made, just what the property and equities of the present concessionaire will amount to. I think it was estimated in the hearings that it would be about \$30,000. I do not know what the amount is. I do know, however, because I have a general familiarity with many of the things that go on there, that the concessionaire company lost money year after year for a great many years until the last 3 or 4 years. Beginning 4 years ago, as I recall, the concessionaire showed a balance on the right side of the

ledger, and since then the concessionaire has made money every year out of operating the transportation facilities in the park.

At the present time that operation is a profitable venture and I have no doubt—and I state this seriously, because I know the Members of the House are concerned to know whether the Government is going to take over a business that will lose money—I have not the slightest doubt in the world that from this time on the operation of the facilities in the Mount McKinley National Park will show a profit every year. Therefore, it seems to me it is a good buy for the Government. It is a good deal for the Government to take over and operate these facilities. It is not a question of somebody unloading on the Government, to use the ordinary term. The concessionaire has not asked and does not ask for the passage of this bill. I believe they would prefer to go on if they could have their concession extended, and do the best they can to furnish facilities in the future, and I believe they would find the operation profitable.

This bill is submitted by the Department of the Interior with the idea of taking over the business because, in the first place, it will be a profitable business, and in the second place, because it really fits in with the operation of the Alaska Railroad. A considerable part of the revenues of the Alaska Railroad are obtained from passenger traffic, from the transportation of tourists. Tourists can get into the park and out of the park, as a practical matter, only by the railroad. Therefore, it would seem to be good business for the Government to take over the operation of the facilities in the park and thus operate those facilities in conjunction with the operation of the Alaska Railroad.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. BLAND. Is there any limitation in the bill on the factors that would enter into the amount to be fixed by the Government in payment? Is the fact that it is making a profit to be taken into consideration? Are past losses to be taken into consideration?

Mr. DIMOND. I shall read the language of the bill:

The President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto—

Now we come to the language concerning which the gentleman from Virginia inquired—

to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith.

The word "equities," in my judgment, ought to entitle the operators to something more than the bare value of the property that they have now. I am told by one of the stockholders of the company at the present time that the company has invested in this business, over and above all of the profits that have been made in the last 3 or 4 years, a sum in excess of \$100,000.

I know that the bare physical value of the Alaska property will not nearly approach \$100,000. I am sure in my own mind that the concessionaires are the ones who are going to take a loss out of this measure and that the Government is the one who is going to gain if the bill is passed. It was for that reason that I did not introduce the bill and would not introduce it; but I do say that it is good legislation for the Government.

There is not the slightest danger that the Alaska Railroad or the Government of the United States can suffer any loss by the passage of this measure. There is, in my judgment, real danger that the stockholders of the company which has the present concession for furnishing transportation facilities in the park will not receive what they are justly entitled to have. They are the ones who are running all of the risk involved in the passage of this bill. Through their enter-

prise and spirit of business adventure they have built up what is now a profitable business. But the term of their concession has expired, and the agency of the Government with which they deal has decided that the Government ought to take over the business. There is nothing for the concessionaires to do but acquiesce in whatever terms are offered by the Government even if those terms should be unjust.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. ALEXANDER. Will the gentleman inform the House as to whether the Government has any similar projects in any other national park?

Mr. DIMOND. So far as I am aware, the Government has no similar project in any of the other national parks; and, insofar as I know, the Government does not intend to take over the operation of the facilities in any other national park. I have not, of course, full knowledge upon the latter question. Like many other people, I do not believe in the Government's going into business indiscriminately. The only reason I feel that this is a proper activity for the Government to engage in is because the Government owns the Alaska Railroad, which furnishes the only ready access to the park, and it would certainly be to the advantage of everybody, particularly the public, if the Government operated the facilities in the park in connection with the operation of the Alaska Railroad.

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield the gentleman such additional time as he may need.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. RICH. I wish to ask the Delegate from Alaska about the hotel already constructed in Mount McKinley National Park. It is contemplated that the hotel will be rebuilt farther up the mountain. How much money is going to be asked to build another hotel?

Mr. DIMOND. Answering the inquiry of the gentleman from Pennsylvania, Mr. Chairman, it is my understanding, from the letter of the Secretary of the Interior commenting on the bill, that no money will be asked out of the Treasury of the United States for the purpose of constructing a hotel or any other facility in Mount McKinley National Park. In this connection I invite the gentleman's attention to the last paragraph of the Secretary's letter, which appears on page 20 of the report on the bill:

I have been advised by the Bureau of the Budget that there would be no objection by that Bureau to the presentation of this report to the Congress "with the understanding that the enactment of the proposed legislation would not contemplate an appropriation in any amount from the general fund of the Treasury."

That answers the gentleman's question, I believe, that the enactment of the proposed legislation does not contemplate the appropriation of any amount of money from the Treasury.

Mr. RICH. Where are they going to get the money with which to build the hotel?

Mr. DIMOND. The only source from which any money can be obtained for any construction in the park is from the Alaska Railroad.

Mr. RICH. We make annual appropriations for the Alaska Railroad. Are they going to take funds they should use for the operation of the railroad for the purpose of building a hotel? We pour money into the railroad and then the railroad will use its earnings to build the hotel; is that it?

Mr. DIMOND. I invite the gentleman's attention to the fact that for the last 2 years Congress has made no appropriation out of the Treasury for the Alaska Railroad for any purpose.

Mr. RICH. But we are asked in the current Interior Department bill to make an appropriation to build new bridges, buy new equipment, new rolling stock, to build new terminals. We have not appropriated that money. Does the gentleman think it proper that the railroad should use its income for the purpose of building a hotel rather than to pay for these things



the Government is asked to furnish? If we are going to put the Government into a business venture, it certainly is going to take money out of the Treasury.

Mr. DIMOND. From my reading of this report, Mr. Chairman, I think that no money can come out of the Treasury for that purpose.

Mr. RICH. It is my observation that when we get reports that the sponsors of certain projects do not want any money out of the Treasury they always find some way to go around Robin Hood's barn and finally get money out of the Treasury. It is coming eventually. The gentleman knows and I know that that is going to be the case with this hotel.

Mr. DIMOND. So far as I know, Mr. Chairman, that is not the case here.

Mr. CROWE. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. CROWE. Can the gentleman advise us the extent of the tourist trade to this hotel? Does the Delegate from Alaska have in mind the number of tourists who visited the park last year?

Mr. DIMOND. I have not the exact figures at this time, but I know that the number of tourists in the park last year, and also year before last, was well above a thousand.

Mr. CROWE. Can the gentleman be a little more definite?

Mr. DIMOND. It was above 1,000. I will try to supply the exact figures for the RECORD. To the best of my recollection it was around 1,400 for 1938. For 1939 I understand that more than 2,200 people visited the park.

Mr. CROWE. Mr. Chairman, will the gentleman yield further?

Mr. DIMOND. Certainly.

Mr. CROWE. Concerning money that has been asked for the improvement of the Alaska Railroad, is it not a fact that the roadbed was not completed when originally built, that some of the bridges were put in of timber which has decayed to a great extent and caused continuous costly repairs year after year? The amount of money that has now been asked is to make these bridges permanent, as they should have been made in the first place. Am I right or wrong?

Mr. DIMOND. The gentleman is entirely right. When Congress ceased appropriating money for the construction of the Alaska Railroad, I am informed by competent engineers that the construction was really only about 75 percent completed. For many years it was necessary for Congress to appropriate additional sums upon the theory they were used for the operation of the railroad, but these funds really went into capital investment. This construction has not been completed up to the present time. Therefore, I have been obliged to go before the Appropriations Committee every year since I became a Member of this body and ask the committee to appropriate enough money to complete the construction of the Alaska Railroad, because I am satisfied when that is done we will never be obliged to appeal to anybody for money to operate that railroad. I feel confident it can be operated at a profit from that time on.

Mr. CROWE. Is not the matter of the hotel and facilities of the company operating in Mount McKinley National Park entirely different from what we find in any park in the United States or on the mainland, in that the Government owns this railroad, it owns the transportation facilities to and from the park, and is it not reasonable for the Federal Government to rightly own the hotels and the transportation facilities to and from the park and secure what profit, if any, there is to be derived from those operations?

Mr. DIMOND. The gentleman is entirely right; besides, I invite the attention of the gentleman to the fact that the period of pioneering has passed, so far as the operation of these facilities are concerned. The losses of such operation have been pocketed during the pioneer days by a private company and the Government can now look forward to a profitable operation. This is a unique situation, as the gentleman has indicated, because the Government owns the Alaska Railroad. The park, of course, is Government owned, and it seems absurd that the Government should not operate the park facilities, particularly when it can do so at a profit.

Mr. CROWE. I think the gentleman from Alaska has made a fine statement. He is in touch with the situation better than any other Member of the House; therefore, his word should have great weight in this body. [Applause.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I do not care to add a great deal to what the distinguished Delegate from Alaska said in reference to this bill. I introduced it. I want to answer the gentleman from Minnesota when he asked whether or not this authority has been requested for any other national park in the United States. It has not, and under no conceivable circumstances will such authorization be made. As has been pointed out, there is a unique situation existing in Alaska. Tourists that come to Alaska go up there, get on the Government railroad, and end up at Mount McKinley Park. When they reach there they are taken care of at a hotel. We already have invested about \$350,000 in facilities in this park, and when I say "we" I mean the Government. After they get there, if they want to go around the park and see some of the beauties of that region, this private concessionaire takes them around, but the cost has been excessive. I think Members of Congress who were up there last summer complained to me when they got back to Seattle about the cost. It runs to around \$30 or \$35. The tourists are taken up to a camp at the foot of the mountain, and there they live in tents.

All we are trying to do is allow the Alaska Railroad, which brings people there and houses them at the entrance to the park, the right to take these tourists in busses around the park, erect some cabins or a shelter over there so that the tourists may be comfortable when they get up to the upper reaches of the park, where at this time there are only some tents. The situation is unique. It does not put the Government in business any more than the Government is in business now in Mount McKinley National Park.

It adds only to the existing facilities. This year we expect double or triple the number of tourists that have been going there for the past few years. On account of the situation abroad people are traveling in America. From January to May the park is closed and it is necessary that this bill be passed now so that they may get supplies and materials up there to run this operation. It is a rather unusual bill, but when you look at the circumstances involved you will see there is nothing wrong with it and that this is the only possible solution we have to the problem now existing in Mount McKinley National Park. The Government has invested this money, the facilities are there, and we bring our citizens up there, show them the Government investment, take them on a Government railroad, house them in Government hotels, and when we take them around to see this grand, glorious park and its beauties, we charge them excessive rates. We take them up to some tents in the upper reaches of the park. I think this is the only way to solve the problem.

Mr. SCHAFFER of Wisconsin. Will the gentleman yield?

Mr. MAGNUSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFFER of Wisconsin. I note this bill authorizes the Government to purchase the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. I would like to find out what the approximate cost of this private property will be?

Mr. MAGNUSON. I do not know the approximate cost, but I think it will run around \$30,000 or \$40,000. The personal property of the concessionaire consists really of some busses and I think a little station at the railroad and some tents up there where they take the people. That is all it amounts to.

Mr. Chairman, I yield back the balance of my time.

Mr. JONES of Ohio. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I am rather reluctant to oppose any measure in which the Delegate from Alaska, our good friend the gentleman from Alaska [ANTHONY DIMOND], professes a deep and abiding interest. He is a grand person;

he is a splendid Representative, and he has done an extremely good job for the people of Alaska. But I feel somehow that our personal feelings for him must be transcended by considerations of legislative integrity and procedure, so I shall find it necessary to oppose the pending bill.

The purpose, of course, is obvious. We take over the property now owned by a concessionaire, who has a concession which has been granted by the National Park Service, and put the Government into the business of operating a hotel and incidental structures, fixtures, busses, automobiles, and so forth.

Let me call your attention to a very ingenious provision in this bill. It is definitely subject to a point of order, and as a member of the Committee on Appropriations I shall have to make that point. There is a proviso starting on the bottom of page 2 which states:

That out of the revenues from and the appropriations for the Alaska Railroad, there is authorized to be used such amount thereof as may be necessary for the purchase of the property of the Mount McKinley Tourist and Transportation Co.

There is not the slightest indication as to how much that amount will be.

Secondly, you are taking this amount out of the Treasury of the Alaska Railroad, owned and operated by the Government, which is operating at a deficit today. Colonel Ohlson, who is the Government director for the Alaska Railroad, appeared before the Committee on Interior Appropriations and indicated that the railroad had a deficit in 1937 of \$185,000, that in 1938 they had a deficit of \$58,206, and in 1940 they anticipate a very modest profit, but that is rather speculative. But now you would authorize by a provision in this bill which is definitely subject to a point of order that they can reach into the treasury of the Alaska Railroad, now operating at a deficit, for the purpose of purchasing these facilities and operating them. I say that that simply is not good business.

The joker is that it is a back-door approach to the Federal Treasury, because this provision states—

That out of the revenues from and the appropriations for the Alaska Railroad—

If there is an additional deficit, it merely means that it will be laid on the doorstep of Congress and they will submit to us that they need additional funds, and we will be paying for it in an indirect way. This is definitely the import and the meaning of this language in the bill, and no other construction can be placed on it.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Mississippi.

Mr. RANKIN. A few years ago a similar bill was brought in to buy an old tram road out north of Nome, Alaska. I stayed here during the Christmas holidays and held hearings on it and found that it would have cost the Government \$600,000. Nobody lived out there. There were not a dozen families within reach of it.

We found out that it was just to gratify a few fellows, down in California, who owned an old, dead gold mine out there.

My distinguished friend who passed away a short time ago, Hon. Cassius Dowell, was with me in 1923 when we went into the McKinley National Park. They told us the traffic in that park had increased in 1922 50 percent over what it was in 1921. Someone asked them how many people were in the park in 1922 and they said six. There were only four persons went in in 1921.

I believe before making appropriations for a purpose such as this we ought to have it in black and white just what you are doing.

Mr. DIRKSEN. Let me supplement what the gentleman from Mississippi has said by stating that we now have invested in the Alaska Railroad \$73,000,000. I recognize that there must be transportation facilities up there, but is that any reason why we should go into the business of operating a hotel and busses and other items at the expense of the taxpayer and for the enjoyment of a few people who may go up to visit McKinley National Park?

That is not the whole story. Look on page 2 of this bill and you will find there ingenious language. I do not know who drew this bill, but they are permanently putting us in the business of operating busses without regard for the restrictions in law. Let me read you this language on page 2:

To purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles.

In other words, once you put them in business they can acquire, they can sell, and they can trade, along with the incidental facilities, and under this language they may do so without any restriction that may have been imposed by existing law or any law passed hereafter. It is a kind of an imposition on the Congress to tie its hands in that fashion. Certainly I am not going along with a proposal of that kind.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Florida.

Mr. GREEN. The committee adopted an amendment, inserting after the word "operate," the words "to sell." They may sell, if desired.

Mr. DIRKSEN. Yes; but you are projecting them into business with the word "hereafter" included in the bill which you present to the Committee today, in order to make it a permanent operating affair, without giving the Congress a chance to look into it properly from time to time.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Washington.

Mr. MAGNUSON. Of course, the gentleman realizes that it is the purpose to have them operate these busses permanently. The gentleman is talking about three old busses that they run around the park. They have to be able to trade them in and maintain them and repair them.

The gentleman from Mississippi spoke about 4 or 6 people visiting the park. We had over 1,400 visitors last year, and I expect that this year there will be 1,500, 1,600, or perhaps 2,000 visitors.

This is an operation involving \$25,000 or \$30,000. The way it is run now it is run badly. The concessionaires are not going to make any money. Of course, we want to put the Government in. That is the purpose. It is the only thing you can do.

Mr. DIRKSEN. Why did not the gentleman say so in his bill? All the gentleman says in his bill is that from the appropriations and revenues of the Alaska Railroad they can use whatever may be necessary, and it is not limited to three old busses. It will be whatever some gentleman who runs this show will determine to be necessary, both as to new busses and incidental equipment, hotels, lodging houses, and so forth.

The only person who shall determine what is necessary is the agency or person designated under the authority in this bill by the President of the United States, and the sky is the limit. You reach into the deficit of a railroad and get a back-door approach to the Treasury and then later on come and say, "Now, gentlemen of the Congress, here is what we need in order to reimburse this deficiency in the Alaska Railroad treasury because we have reached in and taken out money for the operation of the facilities in McKinley National Park." This is the only construction you can place on the language in the bill and it is terribly poor legislation.

Mr. MAGNUSON. Mr. Chairman, if the gentleman will yield, I will answer his question.

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. Of course, this is to be part of the Alaska Railroad transportation system, and we want the funds that are to be used for operating these busses, or, if they build a couple of cabins up there, to be a part of the Alaska Railroad system.

Mr. DIRKSEN. I am reluctant to project this Government into the hotel business. The Interior appropriation bill,



which will be coming on directly for reading under the 5-minute rule, contains an item of expense for the operation of Government House down in the Virgin Islands. Rex Tugwell and others went down there in order to attract the tourist trade, but we are running at a loss, and so we pay for ice and janitor service and electricity out of Federal funds to operate a hotel in the Virgin Islands.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANKIN. The Alaska Railroad is already running in the red, with a deficit, I would say, of at least \$2,000,000 a year—more than that if you allow for interest and depreciation. We spent \$57,000,000 building that road in the beginning. It is 467 miles long. There are not 10,000 people of all kinds, color, size, and varieties living within 500 miles of it in every direction. It has been a dead loss ever since it was built. It ought to be taken up and there ought to be a motor line in its place. To go out and buy a lot of old, dead property that we know is a dead loss, merely to gratify somebody who has some vested investment, I say that Congress ought to be very careful before it goes any further in that direction.

Mr. DIRKSEN. I will say to the gentleman from Mississippi that if this bill passes I am going to suggest we call this hotel "Hotel Deficit"—that will end it. [Laughter and applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we have already spent \$350,000 building a hotel at this spot or in this Territory, and the hotel revenues last year amounted to something like \$56,000, and the expenses, as near as I can figure them from the hearings on the Interior Department bill, amounted to \$146,000. Now, that is good business. You know we have some folks in the House who run hotels. I wonder how long they would run their hotels in that way.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Can the gentleman from New York inform hotel owners why we go to Alaska for the Government to buy a hotel? There are plenty of good hotels in the big, broad United States of America that are not paying their way, and they are better than this one up there. Why should not the Government go into the hotel business nearer home than Alaska if it is going into the business at all?

Mr. TABER. The gentleman means that he thinks we ought to bail out the fellows who are already in rather than put the Government into the business of operating new hotels?

Mr. TREADWAY. I should be inclined to follow that course. There are gentlemen here from the great vacation State of Maine, and I happened to be in Maine a year or so ago and saw a very beautiful hotel being torn down on Mount Kineo, on Moosehead Lake, because it could not operate to financial advantage. Now, Kineo and Moosehead Lake are very much more accessible to the tourist people of the United States of America than Mount McKinley Park, and it seems to me that we would better begin nearer home before investing our Government money in Alaska. Of course, as a last resort, if eventually every hotel is bought up by the United States that is not profitable in the United States, then it might be all right to go to Alaska, but until we reach that situation I do not approve of it.

Mr. TABER. It appears that we had six visitors to this park who might be available as customers at this hotel. Does not the gentleman think that for six visitors we ought to build a hotel that will cost three or four hundred thousand dollars? Think of it! Six visitors!

Mr. TREADWAY. If the gentleman has asked me a serious question, I would say that he is too much of a Yankee, as I am, to approve of that sort of financial operation on the part of the United States Government.

Mr. TABER. Then ought there not to be at least one hotel for each visitor?

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MAGNUSON. Of course, the gentleman is not really stating the facts.

Mr. TABER. Oh, the gentleman from Mississippi [Mr. RANKIN] just told us about the facts, and I am sure the gentleman knew what he was talking about.

Mr. MAGNUSON. But he was talking about 1921. Further, this bill does not provide for building a hotel.

Mr. TABER. But it does.

Mr. MAGNUSON. We want to buy a few tents. They have been housing the people up there in tents and we want to put up a shelter over their heads; that is all.

Mr. TABER. So that I may inform the gentleman about his own bill, I shall read a couple of lines from the bill:

That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United States be, and he is hereby, authorized and empowered \* \* \* to construct, reconstruct, maintain, and operate hotels, lodges, and other structures.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. SCHAFER of Wisconsin. The New Deal at a cost of about \$60,000 per family, to our almost bankrupt Federal Treasury, has sent several hundred strawberry growers into the Matanuska Valley in Alaska.

Mr. TABER. I do not know. I may not be correctly informed, but I had heard that those folks had all graduated to the relief rolls. Is not that correct?

Mr. SCHAFER of Wisconsin. These strawberry farmers will be in a position to tour this national park and perhaps will need hotel facilities which are provided at the expense of the taxpayers under this bill. That is sound New Deal doctrine.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Florida, chairman of the committee.

Mr. GREEN. It would be better business for the Government to cause the investment we now have there to pay greater dividends, or at least help to get out of the red. If the gentleman had an automobile and had lost one wheel off the car, would he not be willing to acquire an additional wheel in order to run the automobile?

It seems to me that about this whole thing we are going somewhat far afield. The Government owns the railroad, and the Government can better make the railroad pay if it can control this bit of property.

Mr. TABER. I think I can answer the gentleman's question.

Mr. GREEN. It is only a matter of business prudence that we make this business pay there in order to help the railroad.

Mr. TABER. I think I can answer that question. Here we have a fellow who has been running this business at a loss and he wants us to bail him out.

Mr. GREEN. Oh, no; it is a paying business.

Mr. TABER. One of these station wagons is plenty good enough for that sort of service. The problem is to buy out or to bail out this fellow who has been operating a bus line, and it is probably going to cost \$30,000 or \$40,000. They would not need any authorization if they were going to do things on a moderate scale.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. TREADWAY. I am astonished that the distinguished gentleman from Florida [Mr. GREEN], chairman of the Committee on the Territories, should appear here advocating the purchase of a hotel in Alaska, because I have toured his fine State and enjoy going down there and would like to be there now; and I can call the gentleman's attention to numerous hotels in his State standing idle, with windows out of them in many instances. People who have sunk their money in

these booms would be only too glad to have the properties bought by the Federal Government under the leadership of the distinguished gentleman from Florida without his going up to Alaska and spending Federal money there to buy a hotel.

Mr. TABER. Then the gentleman thinks we ought to bail out those people in Florida?

Mr. TREADWAY. I think the gentleman ought to bail out his own people first instead of going up to Alaska.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MICHENER. It seems to me that we bailed out the reindeer people in Alaska for around \$1,000,000 last year. That was a private-business project that was started and did not pay.

Now, the Alaskan Railroad has not been paying. We have \$57,000,000 of the taxpayers' money in it. It never would have been constructed, and everybody knows it, if the Congress had sent a committee up there to investigate before we built it. We have the Richardson Highway, running right alongside it, which could do the work. My colleague on the other side [Mr. RANKIN] said there were few people within 200 miles. There are not 10,000 people within 200 miles of the entire Alaskan railroad and McKinley Park project. I do not blame the gentleman from Washington [Mr. MAGNUSON], who hopes they will get some more tourists in Seattle. I do not blame the gentleman from Alaska [Mr. DIMOND], who would like to have the Government go up there and develop Alaska, regardless of what it costs the taxpayers, but Congress is charged with a responsibility. I congratulate the gentleman from New York [Mr. TABER] on his courage in getting up here and making a fight. It is so easy to vote for these small projects, but remember how they grow.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RANKIN. I want to say to the membership of the House the gentleman from Michigan [Mr. MICHENER] was with me on that trip to Alaska and we made a thorough investigation of Alaska. The gentleman will bear me out in what I say about the tourist trade. In the first place, there is nothing in Mount McKinley Park except Mount McKinley. You can see it just as well from the train as if you were in the park. It looks just as well 50 miles away as if you were up close to it. The gentleman from Michigan was with me on that trip, and I will leave it to him if I am not giving you the facts.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SCHAFER of Wisconsin. The New Deal brethren spent \$1,000,000 of the taxpayers' money to purchase reindeer in Alaska. They might want to establish a housing project for Santa Claus in Alaska under this bill. Should not an amendment be incorporated so that Uncle Sam can purchase a few sleighs and use these reindeer and sleighs to take the taxpayers for their sleigh ride? This would be a more economical transportation than that provided under this bill. [Laughter.]

Mr. TABER. I understand since the Department of the Interior began monkeying with this reindeer business last year that the reindeer are dying off. I do not know whether it is because of their operations or not, but it seems to be the effect of their operations—a complete failure.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the distinguished gentleman from Missouri.

Mr. SHORT. I do not see why we should object to the Government going into the hotel business. It has gone into practically all other kinds of business. Of course, one of the

best planks in the splendid platform adopted by the Democratic Party in 1932 was:

We pledge immediately to take the Government out of competition with private enterprise.

Instead, this administration has put the Federal Government into competition with all kinds of private enterprises. The Federal Government today is in the loan business, in the mortgage business. In fact, Uncle Sam at this hour is the biggest holder of bad mortgages of anyone on earth. We are in the building business; we are in the power business. If the administration has its way, we will soon get into the health business, because of the medicine men in the New Deal. We are in the insurance business. State socialism is here. Why not have Government ownership of everything?

Mr. TABER. Would the gentleman answer a question for me?

Mr. SHORT. I doubt if I could.

Mr. TABER. Does not the gentleman think we ought to bail out everybody who goes into a business that is not profitable?

Mr. SHORT. Why, of course. Many of the best citizens in my district who used to be self-supporting and self-sustaining, today, before they will paint a barn or put a hinge on the gate or even build a chicken coop, sit down and write to me to see if they cannot get an appropriation or a grant from the Federal Government. [Laughter and applause.]

Mr. SHAFER of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SHAFER of Michigan. One of the businesses the Federal Government went into was the cooperative tractor business at Battle Creek, Mich. It took \$375,000 of the taxpayers' money and moved this plant to Arthurdale, W. Va., one of their resettlement projects. They threw out of work 360 men in doing that job. The plant was under production in Battle Creek, but after the New Dealers moved it to Arthurdale they never assembled a tractor, they never sold a tractor, and a few days ago the administration announced that the project had been abandoned. This venture in business cost a loss to the taxpayers of this country of at least \$500,000.

Mr. TABER. Yes; and this would probably give them a chance to lose another \$500,000. Of course, I suppose that the committee which brought out this bill would like to have the Government lose another \$500,000.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SMITH of Ohio. I want to call the attention of the gentleman from Missouri [Mr. SHORT] to this fact: I think the gentleman from Missouri is mistaken when he says that the party in power is violating its pledge that it intended to take the Government out of competition with private industry. The fact is that it has carried out that pledge, or is well on its way to carrying it out. It has destroyed all private industry, so, of course, there will be no competition by the Government with private industry. [Laughter.]

Mr. TABER. I yield to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. If the Members of the House will refer to the hearings on the Interior Department appropriation bill, at page 976, they will see the interrogation by the gentleman from Nevada [Mr. SCRUGHAM] of Colonel Ohlson, who operates the Alaska Railroad. This is a question by the gentleman from New York [Mr. FITZPATRICK]:

You have received funds sufficient to take care of the Railroad this year?

Colonel OHLSON. The past year we sustained a deficit of \$58,206.35. However, if transportation for investment, for capital investment, in the amount of \$40,115 was deducted, the deficit from operations would have been only \$19,830.

Mr. SCRUGHAM. How will the deficit be made up, if you are not asking the Treasury for any appropriation?

Colonel OHLSON. From appropriated funds available last year.

So you can see the Alaska Railroad has been running in the red right along. They come here and ask the Federal Gov-



ernment to make appropriations to carry on the operation of the Railroad. That is where they are going to get the money to build this hotel.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. TABER. Mr. Chairman, I believe I should call attention to one or two other things. They told us that their deficit was only about \$50,000, but if you study the figures on pages 981 to 983 of the Interior Department appropriation hearing, you will find that the deficit of the Alaska Railroad is \$200,000, or only 4 times the amount the colonel told us.

It is perfectly apparent that this outfit wants to go ahead and build another hotel on top of the \$350,000 outfit. Instead of being satisfied with ordinary Ford station wagons for transportation, something that would cost around \$1,000 a vehicle, they want to spend \$35,000 or \$40,000. There is absolutely no limit to the amount of money they could spend, almost no limit to the amount of things that could be done. It is absolutely impossible for us to tell anything about them. The only way we can get any satisfaction out of it and protect the Treasury is to defeat the bill completely, get rid of it, and not load the Treasury up with a lot of other liabilities. I hope that when this bill comes up for consideration by the House that it will be thrown out. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FITZPATRICK].

Mr. FITZPATRICK. Mr. Chairman, I rise to support the bill, H. R. 4868, offered by the gentleman from the State of Washington, as I believe Alaska is entitled to some consideration from our Government. We have taken out of Alaska millions and millions of dollars in gold, copper, furs, fish, and other things, but have put very little back insofar as improving Alaska, with the exception of building a railroad which, up to 1939, was not self-supporting. However, the manager of the Alaska Railroad, Colonel Ohlson, when he testified before the Interior Subcommittee on Appropriations, stated that they expected to have a profit for 1939.

I was up in Alaska last summer and visited Mount McKinley National Park. The Government owns the hotel close to the railroad station, which is operated by the Alaska Railroad. The Mount McKinley Transportation Co. operates the busses running into the park. It is about 65 miles from the hotel to camp 66, where you can get a good view of Mount McKinley if it is a clear day. The bus fare is \$25. If one should go to Wander Lake, which is about 18 miles farther, it would cost \$35. The Mount McKinley Transportation Co. went into business many years ago. In fact, they were the people that put McKinley Park on the map. They had a franchise which expired last year and are now operating on a temporary permit. It seems this company put quite a sum of money into the bus corporation and the building of lodges. Up to 2 or 3 years ago they received no return on their money. I understand that the last several years they have been making money, and it is now a good paying business. My understanding is that they do not want the Government to take over the operating of the busses as they feel they have a chance to get back some of the money they have invested in this undertaking.

I feel, however, that the hotel and transportation should be under one management, whether it is operated by the Government or a private concern. However, I feel that if the Government should take it over that they should pay the present corporation for their equipment and cabins, but not for their goodwill. The hotel which is near the entrance to the park cost around \$300,000. It is nicely furnished and well managed. I understand they will have a profit for the year 1939. At the same time I feel that if they took over the Mount McKinley Transportation Co. they would have a greater profit and it would be good business to do so. Mount McKinley is a beautiful place to visit. It is a little different from the rest of our national parks. In our other national parks the animals are quite tame. Not so in Mount McKinley Park. You see real wildlife. You see wild bears,

wolves, moose, and other wild animals as you drive through the park—also beautiful Alaskan wild flowers.

While at the hotel there were many tourists there. Many of them did not make the trip out to where they could see Mount McKinley because of the cost of the bus. I believe operating the busses with the hotel and railroad will improve the financial returns for our investment.

One of the previous speakers referred to the Matanuska Valley and said the people that went up there to develop it are now on relief. On my visit to Alaska last summer I visited the Matanuska Valley and called on a number of farmers. I was informed that about 30 percent of the people who first went up there were misfits and it was necessary to get rid of them, while about 70 percent remained and are making good. The farmers that I called on were very enthusiastic, very happy, and felt they would be able to pay back the Government for the farms that they had taken over. Many of those farmers were from Michigan, Minnesota, and Wisconsin, but not one of them was on relief. I found a very fine hospital, good schools, three churches, a cooperative market, and a fine canning industry. As I stated before, the people seemed very happy and satisfied. In fact, I met a couple of farmers who had at first been allotted 40 acres each and had taken over 40 additional acres, which gave them a total of 80 acres in all.

They are up there and are making good. They are good American citizens and are working hard to make a success of the opportunities being given them by the Government. They are pioneers. So, too, those people who started the bus line up at Mount McKinley Park are pioneers, but there is a chance now for them to make a little money after many years of losses. If the Government is to take it over, they should take it at a reasonable price.

Mr. GREEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FITZPATRICK. Mr. Chairman, as far as our investment in Alaska is concerned, I feel that we should protect it by doing something to help Alaska. We have taken millions and millions of dollars out of there, but we do not want to put anything back. I am in favor of the passage of this bill not alone because of the people in Alaska but for the American people and the American taxpayers so they can save some of the investment that they have in the Alaska Railroad and the hotel. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, why this bill to build a Government hotel in Alaska? May I ask the gentleman who just spoke, the gentleman from New York, is there an Army post up there?

Mr. FITZPATRICK. They are going to have an Army post and a Navy field up there.

Mr. HOFFMAN. Is there an Army post and barracks up there now?

Mr. FITZPATRICK. Yes. There are some men stationed at Fairbanks.

Mr. HOFFMAN. They are going to build a barracks?

Mr. FITZPATRICK. I do not know. They are going to build a naval base. I want to say to the gentleman, I do not know why they built the hotel, but it is there, the same as in other of our national parks.

Mr. HOFFMAN. The point is this: If the Government has an Army barracks up there, that would be one thing to be considered.

Mr. GREEN. Yes; it has an Army barracks up there, and we are building a large air base there also.

Mr. HOFFMAN. Then there is no reason why the Government should have a hotel in Alaska. It goes without saying that if you have an Army barracks up there you can take care of all these people, if the precedent set by the administration is followed. We have established the precedent already. You will recall that on the 10th day of February, when the American Youth Congress was down here with its communistic allies, the President's wife sat on a table in the

Labor Department there and used the telephone, calling the President and calling the Army authorities, and straightaway she got accommodations at Fort Myer for 150 of these people, with the Government providing trucks to haul them back and forth. It would be a waste of money to duplicate this service, which was extended here in Washington by the War Department, at the expense of the hotels, by building hotels in Alaska.

If the wife of the Commander in Chief of the Army can get accommodations and transportation at Government expense, think how nice it would be for San Francisco if the American Youth Congress met there. And, by the way, I understand they cheered Harry Bridges heartily when introduced last night down at the meeting held in the auditorium of the National Press Club.

Mr. GROSS. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. GROSS. If we have no hotel up there, those fellows who are sent up there to count the reindeer will have no place to stay while in Alaska.

Mr. HOFFMAN. They can be taken care of at the Army base. So if they can furnish transportation from the city of Washington to Fort Myer, the situation would not be different in principle if they went a little further and furnished transportation for the American Youth Congress from San Francisco to Alaska. True, the distance would be greater but the idea, the principle, is the same.

If we are going to have the President for another term, a continuation of the same man in that Executive office, why not let the wife of the Chief Executive arrange for these accommodations in Alaska, as she did here in Washington, if taxpayers are no longer to have control of the expenditure of their funds. The fact that such a course might interfere with private business, as her acts did here in Washington, does not make much difference to the New Dealers. Their theory is that the end justifies the means.

There are two hotels here in Washington, the Ebbitt and the Grafton. You will find the phone numbers in the book, and if you doubt what I am going to tell you, just call up the managers and learn about it.

When these American Youth Congress delegates came to town the manager told me their representative arranged for accommodations for 500 of the American Youth Congress members. They went to the hotels, as expected, the first night, but after the Executive's wife called up and made arrangements for their entertainment at the Industrial Home and at the barracks at Fort Myer, and at more expensive hotels, those people did not go to the accommodations which had been arranged for them at these 2 hotels. The manager of those 2 hotels lost that business, and he did not seem very enthusiastic about it. They might well have said, "What am I going to do with the help I employed here? What about those who make their living working here if I am to have my prospective guests taken from me? All these people are working and I have to pay their wages. How can I do business in competition with the First Lady, who offers free accommodations? I counted on the money that these folks were going to pay, \$1 a night." After the First Lady of the Land arranged for these other accommodations, some at Fort Myer, he did not get the business.

I know the administration has been attacking business in various ways, but this is the first time that I know of that members of the family in the Executive Mansion have directly taken guests, who expected to pay, from hotels which give employment to those who work in the hotels and upon which they depend for their jobs and livelihood. The volume of the business of which the hotels were deprived may not amount to a great deal but the principle involved is an important one. If one Federal official can furnish shelter for his guests at Government expense, may not others do likewise, and where will it end?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If, under existing law, the First Lady has the legal authority to issue an order and have the taxpayers furnish transportation to and from Fort Myer, and housing at Fort Myer for "pinks" and "reds" who attended the Youth Congress, then under the same provisions of law she would have authority to furnish transportation and housing for tourists in Alaska. If that be so, then we would not have to pass this bill to provide transportation and housing facilities for economic-royalist tourists in Alaska. We could solve the problem by providing free telephone service from Alaska to the First Lady of the Land so that she can get her authorizations for free transportation and housing through, as she did for tourists who attended the Youth Congress.

Mr. HOFFMAN. Mr. Chairman, I have introduced a resolution, House Resolution 402, asking the War Department by virtue of what authority these accommodations were furnished. When we have the answer I trust you will read it. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I want to call attention first to the Department of the Interior hearings for this year. On page 700 you will find the number of visitors to Mount McKinley National Park. In 1936 there were 1,073 visitors, and in 1937, 1,378 visitors. The Interior Department keeps a record of everyone who goes into these parks. You do not know where the visitors come from. They may be from Alaska. That is all the people who went into the park in 1937. In 1938 there were 1,478 visitors. Now we come down to 1939, last year, and that figure was estimated; and let me say to the Members of Congress that I have not seen the Interior Department make an estimate on anything in which they are interested unless they made the estimate sky high. What is the estimate of the number of people who visited Mount McKinley last year? Their estimate states 2,262 people visited the park in 1939. How many of them came from Alaska? How many of them were visitors from the United States? We do not have that information.

It seems to me that we are now getting the Government into the hotel business on a large scale, when the Alaska Railroad already owns one hotel. Let me read from the hearings on the Interior Department appropriation bill. I asked Governor Gruening this question about the Mount McKinley Hotel.

Is not that a Government-owned hotel?

Governor GRUENING. Oh, yes. That is under the railroad.

Mr. FITZPATRICK. And it is beautifully equipped. They have the very finest there. It is well kept, well taken care of, well managed—

And so forth. What are we doing in this bill? We are giving the President of the United States the power through any agency or agencies he may designate to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto, and to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. We are not only going to build new hotels but we are giving the President the power to buy what is already there, that someone else owns.

You ought to have some experience from the legislation we have passed in the last year or two about going up there to take over the reindeer industry. We pass laws on someone's assurance that it will not cost any money. I have been here 9 years, and I have seen more camouflage, I have seen more deception, and I have seen more downright dishonesty in the statements that are made about bills being passed that will not cost any money than in any place I have ever been in all my life. I do not say that with the idea that I want to say the Members of Congress are crooked; but what do you mean from such construction when you say we are going to pass a bill and it will not cost any money, when those who make the statement know the bill is no good without ultimately asking the Government for money?

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Alabama.



Mr. PATRICK. I want to know just what the gentleman means when he says he has seen more dishonesty here than any other place he has ever been?

Mr. RICH. I have seen more bills passed with the statement being made that they would not cost any money, but eventually they do cost money.

Mr. PATRICK. That is what the gentleman means by dishonesty? Does the gentleman mean that the committees who bring in these bills are dishonest?

Mr. RICH. No; I do not say that. I say they bring the bills in here with the statement that the passage of the bill will not cost any money. They are not dishonest in that statement about the bills, but they know they are going to come in later and ask for money. The inference is they will never cost money.

Mr. PATRICK. Then where does the dishonesty lie?

Mr. RICH. In making the statement that it will not cost any money when they know in their own minds and hearts that eventually it will cost money.

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I am not going to yield until I finish my statement.

We have built a hotel in the Virgin Islands that has cost the Government a lot of money. We rent that hotel to a private individual, and this individual pays less than 3 percent on the money invested. The Government owns and takes care of the property, and, according to the statement by Governor Cramer, this individual pays less than 3 percent on the money invested—some investment.

We have hotels down in Panama. The Government owns a lot of hotels in this country. We built one at Arthurdale, W. Va., on Government-owned property. They are not getting enough people over there to pay 3 percent on the money invested. We have set the Government up in business enterprises for two reasons, it seems. One is to get the Government into business, and the other is to get the Government to take over some property that someone cannot operate at a profit and wants to be relieved of.

It was said by the gentleman from New York a while ago that we have taken millions of dollars of wealth out of Alaska and are not putting anything into it. The gentleman from New York knows that our appropriations for Alaska every year are increasing. Every year we put more money into Alaska than we did the year before. When we put that money into Alaska we are trying to take care of those people, and we are doing a pretty good job.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield because I mentioned the gentleman.

Mr. FITZPATRICK. The gentleman is very honest, very efficient, and very capable.

Mr. RICH. I thank the gentleman.

Mr. FITZPATRICK. Is it not a fact that the money we put into Alaska is a small percentage of the money we take out?

Mr. RICH. If you figured that everything—all the fish that are caught, and all the gold that is mined in Alaska and buried down here in Kentucky at a cost of \$35 an ounce, all the wealth we get out of Alaska, every dollar of it, went back into the Treasury, Alaska would pay its way. The only trouble is that it does not, and we get a very, very small percentage of that amount, and we only furnish fishing to our own people who go up there to fish in Alaskan waters.

Mr. FITZPATRICK. Is it not a fact that the people who take millions of dollars out of there pay it back in taxes to the Government?

Mr. RICH. No; we do not get near the amount of taxes back that we pay out, and I might show right in that connection how much we pay out per capita in Alaska and how much they pay. The Alaskan people pay into the Government 39 cents per capita, while we pay back to the Alaskan

people \$2.60 per capita—over 900 percent we pay to them per capita.

Mr. FITZPATRICK. But they do not take the wealth out of Alaska. The American citizens take the wealth out of that country and not the natives of Alaska. If you take that away from those people, you do not leave them anything.

Mr. RICH. When we give them \$2.60 for every 39 cents they pay in, do you not think that is pretty good?

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The figures with respect to visitors to the McKinley National Park are very surprising to me. Can the gentleman tell us what deterrents in the form of high transportation costs and high hotel costs operate up there, what has been the travel under the private concession, and what is likely to be the travel under railroad ownership?

Mr. RICH. Well, the railroad ownership will operate the hotel at a loss in order to get them to travel on the railroad so that we can say that the railroad is making a profit. That is what they are doing up there. Do not let anybody fool you about that. We have had the man who operates the Alaska Railroad before us and we had given us the amount of revenue and the amount the Government put up, with the improvements they are asking each year to build a bridge or to build new shops or to build more boxcars or to get more supplies. We furnish the money out of the Treasury for this and then they take the money they get from operating the railroad and say they are making a profit. There just is not any sense to it.

Mr. WOODRUFF of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Michigan.

Mr. WOODRUFF of Michigan. By the way, may I ask my friend from Pennsylvania, speaking of the hotel business, does he happen to know anything about the hotel business that the Government is in at Key West? I believe, perhaps, the only committee of this House that has an opportunity to get any information whatsoever about the activities engaged in by the Government of the United States at Key West is the Committee on Appropriations, and may I commend to the gentleman, as a member of that committee, a thorough investigation of that situation the next time the proper department of the Government comes before his committee.

Mr. RICH. I may not be on the subcommittee that handles that matter, but I may say that I do not know of a hotel that the Government operates that is not going in the red and going in the red fast. This is just another dead horse. [Laughter and applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, I have listened with very great interest to the remarks made by the various gentlemen on this particular bill. They have made rather long speeches but have given very few pertinent facts. The gentleman from New York [Mr. TABER], who is a most efficient and grand person, has pointed out that the Congress authorized the purchase of reindeer in Alaska and, due to the fact that the Interior Department is now operating or in control of the reindeer industry, the reindeer are dying very rapidly. As a matter of fact, the reindeer are, and have been for several years, dying rapidly. When that was pointed out to the Members of Congress as one of the reasons why these animals should be acquired, they ridiculed the proposition. Up to this time, however, the Interior Department has not taken over a single reindeer, which, I think, is one of the reasons why the mortality rate is still high.

This bill does not contemplate the building or the purchase of a hotel. The railroad exists, the hotel exists, and the bill contemplates the purchase of certain equipment in the way of busses to augment the transportation facilities that now exist. The transportation system, in the way of busses, I understand to be a very splendid paying proposition.

The gentleman from Mississippi has called attention to the fact that in 1921 or 1922 or 1923, either two, four, or six people

visited McKinley National Park. I assume this is true, but the reason there were so few visitors was due to the fact there were no facilities and no place for them to stay.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Kentucky.

Mr. MAY. I heard the gentleman's comment with respect to the reindeer. Does the gentleman know that the Finns have used those animals to very great advantage in their conflict with Russia and that they may be of use to us sometime when Alaska develops?

Mr. DEMPSEY. The gentleman is right, but to ridicule a bill as important as this is wrong. I think the gentlemen should confine themselves to the facts. Everybody who travels at all at some time will have a desire to see Mount McKinley, but to go there and not have facilities to stay comfortably would certainly cause anyone to refrain from going.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SMITH of Ohio. The gentleman has stated that there is no authority in this bill to build hotels.

Mr. DEMPSEY. Oh, I made no such statement. I said it is not contemplated to build any hotels or to purchase any hotels.

Mr. SMITH of Ohio. But we are passing a bill authorizing the construction of hotels. Is it contemplated that we should go outside of what is contained in the act or deal with the act itself?

Mr. DEMPSEY. I would be specifically concerned with the act itself, but members of the Committee on the Territories who came before the Committee on Rules, of which I happen to be a member, say, as does the Department, with which I have talked, and Mr. Gruening, who is in charge in Alaska, that they contemplate the expenditure of about \$30,000. The Government has spent tremendous sums of money up there, and I think this will do a lot to assist people in going there and adding to the proper facilities for their comfort and convenience. I think the bill should pass.

Mr. SMITH of Ohio. The gentleman would be willing, then, to strike out the part relating to the construction of hotels?

Mr. DEMPSEY. Of course, I am not a member of the Committee on the Territories.

Mr. MAGNUSON. I will answer that the construction of hotels simply means building a shelter, so that when people go there they will have a place to stay. They have only tents now. That is the best language we could use, for them to stay there overnight. If the gentleman wants to call it a shelter, we are willing to call it a shelter.

Mr. DEMPSEY. Let me point out the tremendous increase in visitors at McKinley National Park. From the two or four or six in 1921 or 1922, it has risen up to nearly fifteen hundred in 1938, and they estimate two thousand in 1939. That seems to me to be a splendid increase.

Mr. GREEN. Mr. Chairman, I yield myself 1 minute. Something has been said about bailing out hotels. There is no desire to bail out anybody or anything. The purpose of this bill is to take over the concession, which is now paying, and to help the Government-owned Alaska Railroad by this process. The gentleman from Massachusetts [Mr. TREADWAY] spoke something about bailing out hotels in Florida. There has been constructed in the last 12 months more than 50 new hotels in Florida, and they were all filled this winter. None of them needs to be bailed out.

I yield 4 minutes to the gentleman from North Dakota [Mr. BURDICK], a member of the committee.

Mr. BURDICK. Mr. Chairman, one of the greatest philosophers in this Congress is the Senator from Arizona [Mr. ASHURST]. He says that on all public questions that come before the Congress there are three stages. There is first the stage of ridicule; second, the stage of argument; and, third, the stage of enactment.

I doubt whether we will get beyond the first stage in this particular bill. The man who made the greatest effort in the way of sarcasm and ridicule ever made in Congress was J. Proctor Knott, of Kentucky. A bill was before the Con-

gress to appropriate money to build a bridge across the St. Croix River to open up the commerce of the interior with Duluth. What Mr. Knott said at that time has become a great national classic in the way of ridicule, but all that he said in the way of ridicule came true as a matter of fact. I think that J. Proctor Knott came very nearly losing the distinction of being a leader in that sort of argument by the argument of the gentleman from New York [Mr. TABER] this afternoon, who said that there were only six people annually who visit this park. Let me say to you that the Government has \$70,000,000 invested in that railroad, and if the taking over of this little facility at the end of the railroad will help the railroad, then all you people here who have been talking about economy and at the same time spend \$72,000,000 for one battleship should stop and think what you are doing. You are appropriating in this bill not to exceed one-fifteenth of 1 percent of the cost of that railroad, and if the income from that little business at the terminal will help pay that loss, I cannot understand why the gentleman from New York can be against it.

Mr. TABER. Mr. Chairman, if the gentleman will yield, I will tell him.

Mr. BURDICK. I do not have time. I asked the gentleman for time.

Mr. TABER. I did not think the gentleman would have time.

Mr. BURDICK. I asked you for time to speak on this bill and I did not get it.

Mr. TABER. I did not have any.

Mr. BURDICK. Now you want to get it from me when I have only 4 minutes. That is another instance of your great economy. [Laughter.]

I want to say to you that no one has spoken about the national defense of this country. I dare say everyone who has spoken against this bill has voted one, two, three, on every bill to appropriate money for the Army and Navy, no matter how many billions of dollars were involved.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BURDICK. Yes; I yield.

Mr. SCHAFER of Wisconsin. I did not vote for those national-defense funds that the gentleman indicated.

Mr. BURDICK. Good for you. There are a great many good points about the gentleman from Wisconsin. [Laughter.]

I want to say to you that no one has emphasized the fact that this is a part of our national defense. You know how countries are beaten down by invasion. If there ever was any chance to invade this country it would be through Alaska or Mexico. What position would you be in in that event, without a railroad to move your troops or to move the people? It seems to me as a matter of national defense that railroad should be kept there and kept operating. If we can contribute anything to the earnings of that railroad by taking over these facilities at the end of the line, we should do it. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, I certainly think we ought to be clear on the matter of the language of this bill. This bill specifically calls for the construction of hotels. I do not know exactly what the definition of a hotel is, as given in the dictionary. I am unwilling to take the definition of the gentleman from Washington [Mr. MAGNUSON], who describes it by motions with his arms, indicating it is going to be something with a roof or a covering overhead. This bill specifically provides for the construction of hotels. I certainly would not leave it to politicians or bureaucrats to define what that means, especially where an indefinite amount of money is involved, as is the case here. It seems to me that there is unlimited latitude on the part of those in authority to say what these hotels shall consist of. On the ground of that language alone, this sort of thing should be turned down.

For the life of me, I cannot understand, when our national finances today are threatening the well-being of our whole Nation, how men can stand in this House and defend an



appropriation of this kind. I think it is a crime, and I am willing to leave it to history to say whether or not this is true.

The argument is made that if these hotels are built, perhaps we can make this railroad a paying proposition. What an idea that is! Spend fifty or sixty or seventy million dollars to build a railroad that is not paying. Now, if we build a few hotels, we can make that railroad project pay. Is that not a proposition for Congress to put up to this country? If the railroad is not paying and needs something like this, there is only one thing to do with it, and that is to abandon the railroad. I understand it is not needed there anyway. I understand there is a public highway that is capable of taking care of all the traffic in that Territory. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman, in your case, just as in mine, this bill may be passed or defeated, and it is not going to affect us personally. But it may affect the people of Alaska. My sympathies are with them for anything within reason that we may do. In my opinion, this will impose very little, if any, charge upon the Treasury.

I was a member of the Fisheries Committee making an investigation of the subject of fisheries in Alaska this last summer. We learned then more about the resources, possibilities, and needs of Alaska than we could have learned in any other way. Those people are our wards. Reason, not ridicule, should govern us in all of our study of their problems. Gentlemen, in legislating for these people duty, not dollars, should control. I hope you agree with me that it is our duty to the people in that Territory to help build up and maintain and make that Territory which we have taken over by purchase from Russia. We did not ask them to come into the United States. We bought the Territory, and yet no people could be more loyal and more patriotic than they have been and are. I do not know whether the property purchased under this bill will pay or not, but there is not a businessman who has addressed this body today who would not advocate a business investment that in the end would mean success rather than loss. That is the case here. The concessionaire must make high rates. The Government—owning, as it does, the railroad, the hotel, and the park—may charge less. There is considerable talk about hotels. The Government owns the hotel now. What is needed are inexpensive lodges to attract and house tourists to this area.

I wonder how many on this floor realize the area of Alaska? It is an empire. That Territory is more than two times the size of Texas. Place Point Barrow, the northernmost cape in Alaska, on the boundary between the United States and Canada and the farthest point of the Aleutian Islands would rest upon Los Angeles and the southeasternmost point of Alaska would rest upon either Charleston, S. C., or Savannah, Ga. Alaska is a magnificent Territory, ready to be developed. I hope we may encourage those people, and help them. By all means let us not ridicule to death a little investment that may mean much in the end.

You need the Alaska Railroad. You need it for the defense of the United States. You need it for communication with Fairbanks, where I understand there is to be located a large Army airport shortly. Do you realize that an airplane route from Seattle by way of the Great Circle and the Aleutian Islands is 1,700 miles nearer to Japan than by way of the Hawaiian Islands? Do you recall that at the westernmost point of Alaska we are only 54 miles or thereabouts from Asia? We owe it to ourselves to help develop Alaska. We owe it to the people of Alaska to help them.

Something was said about the money that has been taken out of Alaska. Yes; vast resources from the fisheries have gone to the people of the Pacific coast, while the men who are engaged in the fisheries themselves have gotten but a small return. I would like to see this Congress wake up to its responsibility to Alaska with the result that one of the finest commissions that could be found, men conservative and yet farseeing, would go to Alaska and study and plan

for its future, working in cooperation with a similar commission or committee representing the Territory.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BLAND. I will have to yield to my friend from Wisconsin; I could not resist, although I had intended not to yield to anyone.

Mr. KEEFE. Will my friend the gentleman from Virginia explain to me what the authorization under this bill amounts to in money?

Mr. BLAND. I could not tell the gentleman. I understand it will be less than \$100,000. I know, however, that it does not make any difference what we may put in this bill, how we tie it up, what restrictions we get in it, when it comes to the Committee on Appropriations, of which the gentleman from Wisconsin is a most distinguished member—and I was mighty sorry to lose him from my committee—the Committee on Appropriations will see to it that the limitations are imposed. I have found that it does not make any difference, when it comes to the Appropriations Committee, they are going to take care of that. [Applause.]

Under leave to extend my remarks, I wish to quote from a report made August 9, 1939, by Under Secretary of the Interior to Secretary Ickes on the problem of Alaskan development. Every word of that report deserves consideration. I am inserting in my remarks an extract from that report so that Members may see what Alaska means to the United States:

#### ADVANTAGES TO THE UNITED STATES

Rapidly constricting foreign markets make an expansion of the Alaska market vitally important to the United States, particularly for the west coast.

With a population of 60,000, Alaska purchased \$42,676,441 worth of American products in 1938; this figure was, for the same period, larger than our trade with Czechoslovakia (\$26,492,796), Denmark (\$24,810,760), Hungary (\$2,408,055), Ireland (\$26,947,071), Norway, (\$22,566,800), Switzerland (\$10,584,766), Poland (\$24,695,903), Finland (\$11,991,287), Portugal (\$10,947,144), or Spain (\$12,225,913). Our total export trade with Brazil, to whom we have made special and costly trade concessions, was but \$61,955,062, and with Russia whose market has been assiduously cultivated, totaled but \$69,691,498. These are the actualities of the present. Potentially, Alaska offers a market larger than our present export market in all of South America. With a substantial increase in population, necessitating, as it would, heavy purchases of capital and consumer goods (many of which obviously cannot ever be produced in Alaska), the United States would have a ready and exceedingly friendly market for exports totaling many times its present figures.

Again, it must be recognized that Alaska itself may become a great center in our future trade with Asia and with South America. The title of Anne Morrow Lindbergh's book *North to the Orient* came as a great shock to people who assume that the shortest route to Asia from the United States is a western route. The fact of the matter is that the air-route course from San Francisco to Japan via the Aleutian Islands (the Great Circle route) is over 1,700 miles shorter than the route via the Hawaiian Islands. Alaskan resources will assume increasing importance in the industrial development of Asiatic countries in the years to come. South America too is likely to provide an increasing market for such products of Alaska as furs, canned fish, and various metals.

The great importance of Alaska to the United States lies in its potential role in increasing the consumer market that supports American industry. Aside from this complementary part in the national economy Alaska may serve the United States as a strategic source of raw materials. The United States is notably deficient in supplies of tin, antimony, tungsten, chromite, manganese, and nickel, all of which are found in Alaska. The development of these resources cannot be left to future moments of emergency. The course of prospecting, of mining, and of constructing mills and smelters involves years, if not decades. An intelligent concern for our future suggests that that process be inaugurated at the earliest possible moment.

Finally, the increase in trade with Alaska that will come with an increased Alaskan population will prove not only a substantial advantage to our present shipping industry but a vital link in our national defense. The commercial and military angles of harbor development and road building can be separated. As the National Resources Committee declared:

"If it be granted that control over lines of communication is the deciding factor insofar as greater security in time of war is concerned, then one clue is provided for the development of a sound national policy with regard to Alaska. Peace or war, the advancement of adequate communication with and within Alaska, would seem to be a responsibility of the Federal Government."

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SEGER].

Mr. SEGER. Mr. Chairman, ever since I have been in the House Alaska has been a stepchild, and it has not a very

strong father and mother yet. Certain statements that have been made here this afternoon ought to be cleared up. The gentleman from Mississippi said there were six people in Alaska in 1923. The gentleman from Pennsylvania said there were 6,700 in 1939. That is a fairly good increase in 18 years.

When I went to Alaska last summer I thought I was going to a place where people lived in igloos, but I found some very fine hotels. In Ketchikan, a city of 3,000 or 4,000 people, I found good hotels; I found them in Juneau, a city of 8,000 people; and I have been told there are 60,000 white people in Alaska today. We have been all over the map. We have been to Florida and we have been to Pennsylvania and to Maine comparing hotels. I think the great mistake made by the sponsors of this bill was their use of the word "hotel." What is wanted up there, as I understand, is shelters, tents, something of that kind, 6,000 feet up on the mountain. This mountain is 23,000 feet high. The scenery is beautiful, but, as has been said, you cannot see it from the railroad except on a very clear day; not until you get up there to the 6,000-foot elevation does its summit appear through the clouds. Transportation to that point costs \$25 or \$30 per person. While we were there the Duke of Sutherland and 21 of his retinue refused to pay this price to see it, and I do not blame them. If the fare were reasonable—say, \$10 or \$15—they would have made \$200 or \$300 from that one party. The greatest thing holding back Alaska is cost and expense of transportation. I believe in my own mind that it does not pay to charge too high rates for transportation. Even our post office is run at a loss. If the first-class postage rate in this country generally were 5 cents for the average letter instead of the present 3 cents, people would send probably only one-third as many letters, but with the rate at 3 cents they send three times as many. The Government does not make any profit on the post office, and it is not intended that it should. So with this railroad; unless transportation in Alaska is made reasonable, people will not go there to live.

Let me say in answer to the gentleman from New York that the people who went to Matanuska are not going to the poorhouse, are not going on relief. They are producing some of the finest crops I have ever seen. Those people are farmers. The man, of course, who went out there a shoemaker from New York did not make a success of farming, but the farmers from Minnesota and Michigan who went to Matanuska have succeeded in growing large crops of fine quality, and they are disposing of every bit they raise, selling it to the people of Alaska. They are not going to the poorhouse. [Applause.]

[Here the gavel fell.]

Mr. JONES of Ohio. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 14 minutes.

Mr. JONES of Ohio. Mr. Chairman, this bill provides in the first place for the purchase of the goodwill and the equipment of the Mount McKinley Transportation Co.—the goodwill, if you please, of a company whose franchise has expired. As to the equipment we would buy under this bill, as well as the busses which have been mentioned a good deal up to this time, there is other equipment; for instance, 20 horses, motorbusses with glass tops, bedding, tents, camps, chairs, and beds, and various other things that go with this kind of place. Even if this kind of purchase were a wise one for the Government—and I am sorry that I have to go against the wishes of the distinguished chairman of the committee on this bill and oppose it—but even if it were a wise purchase for the Government, this kind of legislation should not be brought here in this type of bill.

Dr. Gruening testified before the committee in regard to this bill. He proposes to buy four busses—and this bill would allow him to do it—he proposes to buy four busses, which, he says, will cost in the neighborhood of \$16,000, \$18,000, or \$20,000. Do you mean to say that this Congress is to go on record authorizing a bureaucrat to purchase busses and equipment when his testimony before the committee indicates that he does not know anything about the value of the equipment? This proposition should not be brought before

Congress in this type of bill. Rather, the subject should be referred to a bureau to investigate as to feasibility and as to advantage to the Government in owning this kind of equipment. I make that statement even if we should resolve to buy this kind of private business.

Mr. Chairman, let us look at the record of earnings of this company. The Mount McKinley Tourist & Transportation Co. was owned by a man who is now deceased. I had the Interior Department give me a record of the earnings of the Government since 1929, so far as this contract was concerned. In 1929 it earned \$218; in 1930, \$296; 1931, \$133; 1932, \$25; 1933, \$25; 1934, \$83; 1935, \$103; 1936, \$215; and in 1937, \$330. The figures for 1938 are not available as yet.

The Government let this contract on a percentage basis. The Government has drawn in the past a percentage of the earnings of the Mount McKinley Transportation Co. It has been brought out here that the cost of traveling from the railroad terminal up to Mount McKinley is \$35, and it is stated that that amount is too high, yet we would have the Government operate these transportation facilities at less than \$35. The only conclusion we can draw is that if the price is lowered the Government will lose money, and it will result in additional appropriations every year in order to make up the difference.

Mr. KELLER. Will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Illinois.

Mr. KELLER. Does the gentleman mean to say that simply by reducing the price of going on a trip of one kind or another that will reduce the amount to be received in the total?

Mr. JONES of Ohio. There are only so many tourists go up there. There are only a very small number of people who want to go to the camp.

Mr. KELLER. The gentleman would not tell us that those who do go there will all go up anyhow? As a matter of fact, has it not been shown that when we charge too much nobody takes the trip, just the same as if we should fix the fares on the streetcars in Washington at 25 cents instead of 10, you will not get any passengers.

Mr. JONES of Ohio. There is the difference between the \$35 and \$10. If you want the Government to pay the differential, if you want the Government to pay a subsidy to the transportation company, that is all well and good. That is the only thing that can happen. The Government will have to pay the difference if we lower the price substantially.

Mr. KELLER. Maybe we ought to raise the price.

Mr. MOTT. Will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Oregon.

Mr. MOTT. The Mount McKinley National Park is, of course, a national park, and the purpose of a national park is to give the public the use of it. Has the gentleman any objection to the Government owning facilities in national parks and operating hotels, transportation facilities, and so forth?

Mr. JONES of Ohio. I may say to the gentleman that this is an innovation. The Government does not own this kind of equipment in other parks. At this time, when millions of people are out of work, at this time when millions of people are dependent on relief, why should we spend money in this manner in order to buy a pony express in a national park that is not available to the general public? [Applause.]

Mr. FITZPATRICK. Will the gentleman yield? I can tell him something about the statement he just made there.

Mr. JONES of Ohio. I decline to yield. I want to continue with my statement.

Mr. Chairman, the significant thing in this bill is that it provides for the purchase of the equipment of the Mount McKinley Transportation Co. I wonder how much support there would be for the bill if we were to strike out the Mount McKinley Transportation Co.? What equipment do we need up there? The only equipment needed would be a little station wagon or a little Ford bus, yet they talk about spending \$20,000 for glass-top busses that cannot be used any place else. All that would be necessary would be a few hundred dollars at the most, even if we intended to go into this



private business. This bill is appalling; it is foolish and foolhardy.

It is doubtful whether Mount McKinley Park will ever become a beaten path so far as the tourists of this country are concerned. This is only a big hope that the venture may become profitable to the Government.

It was represented in the committee by Colonel Ohlsen that the railroad in Alaska was making money. Yet we find that after the Government has expended an original \$73,000,000 to construct the railroad, last year it was \$200,000 short in its operating cost alone. Now we want to attach to that kind of a losing game bus, pony express, and hotel to make it run in the red further.

The gentleman from New York points out that we have a hotel up there at the terminal. The hotel that it is proposed to build or construct will be up in the park. But we have a hotel now at the entrance to the park at the railroad terminal on which we have already expended \$300,000. As the gentleman from New York states, it does not look very good. That is a sample of the way the Government handles business when it does go into private enterprise. It does not take care of the property, just as it has not taken care of this hotel at the entrance to Mount McKinley Park. We certainly ought to learn by the record made by the concessionaire during the last 10 years and by experience that this is an unprofitable venture. We should learn by experience that even the Alaska Railroad is an unprofitable venture. All it can possibly haul is a few canned goods from the port to Fairbanks, Alaska. The whole railroad is only 300 miles long. Anyone wanting to travel the whole length of the railroad would not carry any more than a suitcase and a few nuggets.

This bill should not be passed, because it allows wide discretion to a bureaucrat to determine the price that shall be paid for this kind of equipment. No one knows the value of it. No testimony has come before the committee as to the value of each one of these articles. Certainly this Congress cannot go on record and will not go on record as voting a blank check or blanket authority for some person to go way up into Alaska and with no limit on his power to pay for this white elephant. It is not good business.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman.

Mr. JENKINS of Ohio. How much would be involved in this purely discretionary feature?

Mr. JONES of Ohio. \$35,000 is an initial possibility, and that is not all. It leaves the way open for additional purchases, purchases of additional tents, additional cots, and additional horses. This authority extends just as far as a bureaucrat wants to run rampant.

Mr. JENKINS of Ohio. That will be yearly?

Mr. JONES of Ohio. That will be annually. There is no end to it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. This bill provides that the bureaucrat may construct, reconstruct, maintain, and operate hotels, lodges, and so forth?

Mr. JONES of Ohio. The gentleman is correct.

Mr. SCHAFER of Wisconsin. Then in connection with this authority we have the last sentence, providing for the unlimited use of the revenues from and appropriations for the Alaska Railroad. So that under this bill the Committee on Appropriations would not have a check on the expenditures, as the gentleman from Virginia [Mr. BLAND] indicated. The bureaucrat has authority to expend any money, received as revenue or heretofore or hereafter appropriated for the Alaska Railroad, to construct and operate hotels, lodges, and so forth. Under this bill a bureaucrat could erect a hotel the size of the Willard Hotel or the Mayflower Hotel with the revenue from the Alaska Railroad or from any appropriation

heretofore or hereafter made for such railroad. The amount of the revenue and appropriations is the only limitation.

Mr. JONES of Ohio. The gentleman is correct.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Washington.

Mr. MAGNUSON. I just wish to disabuse the mind of the gentleman from Wisconsin. It has been said here time and time again that we have no intention of constructing hotels. If we take out the word "hotels" and use instead "lodges" or "shelters," or a similar word, would the gentleman be for the bill?

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Michigan.

Mr. DONDERO. Do I correctly understand that this railroad is 70 miles long and that a charge of \$35 is made for traveling that distance?

Mr. JONES of Ohio. No. This is a bus service up into the park. I am not sure about the exact length of the park. Can the gentleman from Alaska tell me the length of the park?

Mr. DIMOND. As I recall, the present road from the railroad to the far end of the park is 66 miles long.

Mr. JONES of Ohio. As a final word, let me say that from the standpoint of the people who hold the concession, the Mount McKinley Tourist & Transportation Co., why should they not want this bill passed? What businessman who has a losing or an unprofitable venture on his hands would not want to unload it on the Government? What businessman would not want to have the Government come along and pick him up off the flat of his back? I know people in my district who have been dispossessed through no fault of their own, and my heart goes out to them, but we cannot run our business as a government and be profligate in our expenditures in that way.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES of Ohio. I yield for a question.

Mr. FITZPATRICK. I understand this company made a profit last year on its bus transportation of nearly \$9,000, and they do not want to give up the concession.

Mr. JONES of Ohio. No such figure as that was testified to before our committee, and that is a far cry from the profit made in 1937 of \$336. Further, even considering that a private company could make a small profit, it does not necessarily follow that the Government, performing the same service and hauling the same number of passengers, could make a profit out of it. The Government always loses money when it injects itself into private business. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, there has been quite a bit said here today about the bill. I believe some of my colleagues have impressions which are very fantastic as to the general plan of this legislation. Much has been said about hotels, among other things. I have no objection whatever to having an amendment placed in the bill eliminating the word "hotels." I do not really believe there is a need at this time for hotels.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Texas.

Mr. RAYBURN. Of course, this entire bill is subject to a point of order, there is no question about it, because of the proviso, inasmuch as the entire bill is one paragraph, so I presume someone who is opposed to the bill will make that point of order. Then the gentleman can offer an amendment, which will be germane, of all of the bill down to the proviso.

May I make this suggestion to the gentleman from Florida: The bill contains the language—

To construct, reconstruct, maintain, and operate hotels, lodges, and other structures.

I have not heard anyone who does not seem to believe there should be some lodges in the park, and I am wondering if the

gentleman would consider leaving out of the amendment he intends to offer the word "hotels."

Further, in line 16, there is some very peculiar language that I believe ought to be left out. It is—

Notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase—

And so forth. Would the gentleman have any objection to leaving out of his proposed amendment the words "now or hereafter"? This language is going pretty far. It appears to me that if the gentleman would offer an amendment of that kind, it might be accepted by the House. As it is drawn now, this bill is certainly subject to a point of order in its entirety.

Mr. GREEN. I appreciate the suggestion of the gentleman from Texas. Of course, I am not authorized by the committee to accept any amendments, but if an amendment of this nature, having for its purpose the elimination of the word "hotels" and the other words "now or hereafter" mentioned by the gentleman from Texas, is offered, I shall vote for it, because I do not believe the words mentioned are necessary. I do not believe it is necessary to construct any hotels there. I do know that in the development of the hearings before the committee it was apparent that at the very outside not more than \$30,000 would be expended from Alaska Railroad funds to carry out the purposes of this bill.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman.

Mr. TABER. On page 2, line 19, the words "or sell" appear to be inserted by way of a committee amendment. Does that mean you are going to buy and sell automobiles up there? That is what the language would indicate.

Mr. GREEN. I do not yield any further. The gentleman did not yield to me, although I was trying to offer some helpful suggestions. The committee has adopted an amendment to offer to the bill including the words "or sell," so that the Government can resell this property if it so desires.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield.

Mr. RAYBURN. Is not that language necessary with respect to obsolete equipment, so that the Government may have authority to sell in order to salvage something out of such equipment?

Mr. GREEN. The committee has such an amendment and will offer it.

Mr. Chairman, I do not believe there is any disposition on the part of even the minority Members of the House to hobble the development of the Territory of Alaska. I have viewed with much alarm the votes of some of my colleagues on the floor here with respect to huge appropriations for buildings in the District of Columbia and at other places in the country. I recall under the administration of President Hoover there was an authorization of some \$17,000,000 for one building in the District of Columbia. Since that time other buildings have been constructed here and funds have been appropriated for T. V. A., for Federal buildings of all kinds, for flood control, for battleships, and for Army and Navy expansion in general, as well as for agriculture and other various and sundry causes. I have voted for them as you gentlemen have. Now, do you not owe an obligation to your ward which is the Territory of Alaska, and do you owe it any less business prudence than the mother government simply because it happens to be over there by the Orient? Did you vote against the appropriation to put a naval air base there? Have you voted against the development of its rivers and harbors and against its other public constructions? Would you be willing now to vote to abolish the railway in Alaska and not have one there or to withhold from them the funds that are needed from the mother government?

I am quite surprised that some of you would refuse \$30,000 when this money will enable a Federal facility there to help pay some of the deficit which that Federal facility is now inflicting on the Government. I do not understand your philosophy, gentlemen. I do not understand why some of you are not willing to have a comfortable little shack in Mount McKinley where a tourist may sleep, if he desires, rather than to pay a large sum to some private individual

to sleep under a little tent. Would you want the American citizens from continental United States to go to Alaska and ride in a bus which is not roadworthy? Would it not be better business for them to ride in a bus owned by the Government, if necessary, in order to have adequate service?

I cannot quite understand the attack which some of my colleagues are launching against this bill. I have no personal interest in this bill. The committee has made careful study and has reported it favorably.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Can the gentleman as chairman of the committee advise us what he believes or understands the authorization in terms of money means?

Mr. GREEN. Approximately, \$30,000—not more than that. I would have no objection individually, not as chairman of the committee, to the amount to be expended being limited to \$30,000.

Mr. KEEFE. For all purposes?

Mr. GREEN. There is no bugaboo or anything of that sort involved in this bill, as some of my colleagues have heretofore mentioned.

Now, I was surprised when the New Deal was brought into this matter and to see the third term brought in, and, believe it or not, the gentleman from Michigan, Brother HOFFMAN, is going to have the same President for 4 years and 10 months more, whether he wants him or not. [Applause.]

Mr. McCORMACK and Mr. HOFFMAN rose.

Mr. GREEN. I yield, first, to the gentleman from Massachusetts.

Mr. McCORMACK. What I was going to suggest was in line with the suggestion made by the gentleman from Texas [Mr. RAYBURN] with respect to the words "or hereafter" in the proviso. If a point of order would lie—and of course no one can tell how the Chair would rule—it seems to me there would be considerable logic behind such a point of order, and why would it not be advisable for the gentleman, under the circumstances, to tell the Committee that he himself will offer an amendment striking out the words "or hereafter"? I think that might tend to clarify the situation, and then let someone else offer an amendment relating to the hotel and then, if someone else wants to offer an amendment limiting the amount to \$30,000, which the gentleman states he will personally support, let him do that. I can see the position of the gentleman on the last two amendments, but with respect to the other amendment, if a point of order is made, that provision will almost certainly be stricken out, and it would seem to me advisable for the gentleman, as Chairman of the Committee, or in his individual capacity as a Member, to offer an amendment to strike out the words "or hereafter," and to advise the Committee that he intends to do that.

Mr. GREEN. I shall, if recognized by the Chair, as an individual Member, offer such an amendment.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. All right, although the gentleman did not yield to me.

Mr. HOFFMAN. Maybe I did not see you, I am sorry—I yield now.

Mr. GREEN. Proceed.

Mr. HOFFMAN. I understood the gentleman to say that we are going to have a third term whether we like it or not. Now will the gentleman tell me this? These two terms having cost us a deficit of \$25,000,000,000, how much is this third one going to cost us?

Mr. GREEN. It is obvious that the present occupant of the White House will be called to serve our Nation during this critical period. You can call it a third time, if you desire, or you can call it 4 years more.

Mr. HOFFMAN. What is it going to cost?

Mr. GREEN. The income of the American people has increased from the Republican figure in 1932 of about \$38,000,000,000 or \$40,000,000,000 to the Democratic management income of seventy-odd-billion dollars annually now. This has strengthened America economically. The people are as strong



as the Government and the Government is as strong as the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate hotels, lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions now or hereafter imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper: *Provided further,* That out of the revenues from and the appropriations for the Alaska Railroad, there is authorized to be used such amount thereof as may be necessary for the purchase of the property of the Mount McKinley Tourist & Transportation Co. and the purchase, construction, operation, and maintenance of the facilities for the public as herein authorized."

Mr. DIRKSEN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. I make the point of order against the entire bill on the ground that the provisions beginning in line 23, on page 2, are in contravention of the rule prohibiting appropriations in a bill for legislative purposes.

Mr. GREEN. Mr. Chairman, I concede the point of order and desire to offer an amendment.

Mr. TABER. But, Mr. Chairman, under the point of order the bill goes out.

Mr. RAYBURN. Oh, no; it does not go out. The enacting clause is still there, and anyone has authority to offer any amendment that he desires under the rules of the House.

The CHAIRMAN. The Chair is prepared to rule.

This provision comes under clause 4 of rule XXI, which, in effect, prohibits appropriations being made by committees not having jurisdiction over appropriations. Beginning with line 23 on page 2 of the bill provision is made for an appropriation. Therefore, the point of order is sustained.

Mr. GREEN. Mr. Chairman, I offer the following amendment which I send to the desk.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN: Insert after the enacting clause the following:

"That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions imposed by law with

regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

Mr. TABER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TABER. It constitutes an appropriation of the funds necessary to carry on that activity. There is nothing to say that the funds are authorized to be appropriated, but the President is authorized to go ahead and construct and reconstruct structures, and to purchase, on such terms as he may deem proper, personal property. There is no requirement that an appropriation be first made, nor is an authorization required. In effect, it constitutes an appropriation to cover the whole proposition, and I make the point of order against it.

Mr. RAYBURN. Mr. Chairman, the gentleman from New York [Mr. TABER] is clearly in error. This is an authorization because it says that the President is authorized to do these things. He cannot do these things unless the Congress appropriates the money to do it. Clearly, when the bill provides that the President is authorized to do these things, when he has no money with which to do them, it contemplates that an appropriation must be made before the authorization can be carried out.

Mr. TABER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be very glad to have full light on the subject.

Mr. TABER. Mr. Chairman, the amendment provides that the President is authorized and empowered, through such agencies as he may designate, to construct, and so forth. The bill does not say that there is an authorization to appropriate sums for that purpose, but he is authorized to go ahead and do the job, and that necessarily carries with it an appropriation of the funds with which to do the job, and it is not limited in any way. It is not an authorization, but it is a direction to do certain things.

Mr. RAYBURN. Mr. Chairman, further replying to the gentleman from New York [Mr. TABER] rarely is a bill passed through the Congress that does not authorize the President, some board, some commission, or some administrator to do some thing; authorize them to make rules and regulations; authorize them to put into effect a certain law; authorize them to employ experts; authorize them to employ attorneys; and authorize them to employ stenographers, typists, and so forth; but there is no appropriation in it, and it is contemplated that the Congress intends to make an appropriation or it would not have passed the law. The whole bill, as suggested to me by the gentleman from Tennessee [Mr. COOPER] is an authorization, pure and simple.

The CHAIRMAN (Mr. ROBERTSON). The Chair is prepared to rule. As the Chair understood this bill, it could have been divided into two parts, and clearly that was the intention of the patron of the bill. The first part outlined the scope of the measure. The second part, beginning with line 22, carried an appropriation to carry out the purposes of the first part of the bill.

The Chair has sustained a point of order against the appropriation. We now have in effect in the pending amendment what was left of the bill without the appropriation. The Chair is of the opinion that the amendment is merely an authorization, and overrules the point of order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the amendment offered by Mr. GREEN: Page 2, lines 12 and 18, after the words "motor-propelled", insert "and reindeer-pulled."

After the word "proper", in line 22, page 2, insert "and also to use the reindeer, heretofore acquired by the United States Government, to provide transportation, steaks, milk, and sleigh-pullers for visitors to the park."

[Laughter.]

Mr. GREEN. Mr. Chairman, a point of order. The amendment is not germane. The bill has nothing to do with reindeer. The amendment is not germane.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard on the point of order.

My amendment is germane to the pending Green amendment, which provides for a raid on our almost bankrupt Federal Treasury of an unlimited sum, which can amount to several million dollars to build hotels and other structures. Under the authorization our Federal Government bureaucrats can build hotels costing many million dollars, such as the Mayflower and the Willard. The amendment offered by the gentleman from Florida [Mr. GREEN] also provides that the Government shall purchase vehicles, and I respectfully suggest that a reindeer-pulled vehicle is a vehicle just the same as a motor-propelled vehicle, and my amendment is germane under the rules of the House.

The CHAIRMAN (Mr. ROBERTSON). The Chair is prepared to rule.

The Chair overrules the point of order. [Applause and laughter.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, this is a perfecting amendment which should be incorporated if this bill is to be passed. I believe, however, that this bill which provides for an unwarranted and unlimited raid on the Public Treasury should not pass.

Mr. Chairman, our national debt has now passed the staggering and stupendous sum of \$42,000,000,000, in addition to about \$8,000,000,000 of obligations which our Federal Government has guaranteed. For many years our Federal Government has been operating with a huge annual deficit of several billion dollars. The history of the governments of the world reveals that no government can continue a loose fiscal policy, such as has been followed by the New Deal for 7 long years, without soon being plunged into bankruptcy, with resulting devastating inflation, and misery, suffering, distress, and despair, second only to the results of a major war of invasion.

I am surprised to find none of our New Deal economy spokesmen raising their voices against this unlimited raid on the Public Treasury to put the Government into the hotel, lodge, resort, and transportation business in Alaska.

The gentleman from Mississippi [Mr. RANKIN], in citing statistics the other day, clearly demonstrated that local municipalities can develop electrical energy at a much lower cost than Uncle Sam can under his extensive and expensive T. V. A. power authority. Uncle Sam should stay out of all fields of legitimate private business. I am, therefore, opposed to this bill, which will raid our almost bankrupt Federal Treasury for an unlimited amount in order to put Uncle Sam in the hotel, resort, and transportation business in Alaska. Mr. Chairman, although we now have more than 10,000,000 of our people who are out of a job, who want a job, and who cannot find a job, we find our New Deal brethren reducing W. P. A. expenditures, in the name of economy, and cutting down expenditures for our distressed farmers in the name of economy. How will you explain to the distressed American people that you were willing to use the economy ax on them while voting unlimited funds for a New Deal bureaucrat to erect hotels, lodges, and resorts and provide transportation for the economic royalists who are able to pay as high as \$25 for a sightseeing trip in a park in Alaska?

Mr. Chairman, this bill and the \$1,000,000 Alaska reindeer raid on the Public Treasury which was made in the first session of this Congress certainly take the American people for a sleigh ride. If this bill is to pass, it is therefore fitting to adopt my amendment so that Uncle Sam can utilize the reindeer which he has purchased for a million dollars, and purchase a few sleighs for them to pull instead of spending many thousand dollars for motor-propelled vehicles.

Mr. Chairman, the New Deal has established a reputation for being a Santa Claus administration. The New Deal has used about a million dollars of the American taxpayers' money to purchase reindeer in Alaska. This bill proposes to spend more millions to build and operate hotels and carry on other

resort activities in Alaska. My amendment merely proposes to permit the purchase of a few sleighs and the use of the reindeer. The New Deal apparently wants to play Santa Claus in a big way in Alaska. Adopt my amendment and you will have a hotel, sleigh, and reindeer for Santa Claus in Alaska as an everlasting monument to our New Deal Santa Claus brethren.

Mr. Chairman, we read in Holy Writ, "Wherefore by their fruits ye shall know them." When the roll is called on the final passage of this bill the distressed and overburdened taxpayers of America will know all of those who want Uncle Sam to play Santa Claus in a big way in Alaska at their expense. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DIRKSEN. Mr. Chairman, I object. I would like about 2 minutes.

Mr. GREEN. I ask unanimous consent that all debate on this amendment to the amendment close in 3 minutes.

The CHAIRMAN. Is there objection?

Mr. KEEFE. Which amendment is the gentleman referring to?

Mr. TABER. There are other amendments to the amendment to be offered later.

Mr. GREEN. I am referring only to this amendment to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DIRKSEN. The word "hotel," was stricken from the bill, Mr. Chairman, by the original amendment, but there still remain the words "structures or lodges," and I think with that language carried in the bill there still would be authority for the use of money to erect permanent structures. That is all I have to say.

The CHAIRMAN. Does the gentleman from Florida desire to be recognized?

Mr. GREEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida is recognized for 2 minutes.

Mr. GREEN. Mr. Chairman, the gentleman from Illinois has properly said that by the amendment I offered the word "hotel" was stricken from the bill.

The amendment offered by the gentleman from Wisconsin is altogether unnecessary and was offered, I think, by way of ridicule. I do not see any good purpose it would serve if adopted. I therefore ask that the amendment to the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin and Mr. MAGNUSON) there were—ayes 54, noes 74.

So the amendment was rejected.

Mr. JONES of Ohio. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Ohio to the amendment offered by Mr. GREEN: On page 2, line 3, after the words "to construct", strike out all down to and including the word "thereto" in line 5.

Mr. JONES of Ohio. Mr. Chairman, this will do precisely what I think the majority leader said he wanted done; that was to cut out of the bill the provision that would empower the Interior Department to construct, maintain, or operate hotels, lodges, other structures, and appurtenances incident thereto.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.



Mr. RAYBURN. The majority leader did not say that at all.

Mr. JONES of Ohio. If I misunderstood or misinterpreted what the gentleman said I apologize.

Mr. RAYBURN. What I said was that an amendment ought to be offered striking out the word "hotel" so as not to authorize the construction of hotels. But lodges and other structures I think are necessary.

Mr. JONES of Ohio. I thank the majority leader. I am sorry I misunderstood him.

Certainly this Congress does not want to go on record as authorizing the Department of the Interior to construct or reconstruct buildings and lodges that do not now exist and for which there is no present demand.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. RICH. What difference does it make whether a building that houses people who come to the park is called a hotel or a lodge?

Mr. JONES of Ohio. I am sure I cannot see any difference between the two.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. MOTT. If the gentleman's amendment is adopted what would the Secretary of the Interior be authorized to do under the bill?

Mr. JONES of Ohio. It would leave in the bill authorization to purchase equipment.

Mr. MOTT. Including lodges?

Mr. JONES of Ohio. Whatever present equipment is there.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JONES of Ohio. I yield.

Mr. DONDERO. If the bill were amended limiting the authorization thereunder to \$30,000 or \$35,000, would that meet some of the objection that is based on the ground of unlimited authorization?

Mr. JONES of Ohio. It would be an improvement over the present bill. It would still be a bad bill and ought to be defeated.

Mr. GREEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill close in 10 minutes.

Mr. TABER. Mr. Chairman, reserving the right to object, we ought to have at least 20 minutes, for there are several amendments to be offered. I have one amendment which I think will take some time, and I understand the gentleman from Wisconsin has an amendment.

Mr. GREEN. Mr. Chairman, I modify my request to make the time 25 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on amendments to the bill close in 25 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. JONES of Ohio) there were—ayes 59, noes 70.

So the amendment was rejected.

Mr. KEEFE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEEFE to the amendment offered by Mr. GREEN: Page 1, line 10, after the word "Alaska", insert "There is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of \$30,000 and."

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. KEEFE. Mr. Chairman, it will be recalled that on two occasions I asked the proponents of this bill, including the chairman, what authorization was expected to be provided for if this bill was passed. I was told by the chairman of the committee that it was expected there would not be over \$30,000 involved in the bill. Therefore I have offered an amendment to cure the suspicions of Members of this House that perhaps there may be an unlimited authority if the amendment is not included.

I have offered an amendment very clearly in line with the suggestion made by the chairman of the committee, that he himself would have no objection if the authorization provided in this bill were limited to \$30,000. It seems to me if the authorization is so limited a great many of the fears and apprehensions of Members of Congress will be done away with, because under the bill and under the amendment offered by the gentleman from Florida [Mr. GREEN] there appears to be no limitation at all, and we simply have to accept the word of the gentlemen of the committee that it is not contemplated the Government shall build lodges and maintain and operate other structures and appurtenances up there which may cost a very much larger sum than the gentleman indicated was involved in this bill.

Mr. GREEN. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Florida.

Mr. GREEN. I stated on the floor earlier in the afternoon I would not oppose an amendment of this kind, but I have talked with some of the Members and I do not know whether \$30,000 will cover it or not. I believe it will, but in justice to the department having jurisdiction, I think the gentleman should raise the figure set forth in his amendment. I would suggest he raise it to \$40,000 or \$50,000.

Mr. KEEFE. Mr. Chairman, I took the gentleman at his word. He is chairman of the committee, and he stated that he expected \$30,000 would be sufficient. Certainly if the chairman of the committee does not know what is involved in this authorization, I am certain that Members of Congress who are not members of that committee are not in position to say. It seems to me, in view of what has been claimed, that an authorization of \$30,000 ought to be adequate and sufficient to take care of the situation up there.

Mr. McCORMACK. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. It seems to me that there is only a small difference involved. My suggestion to the chairman is that the amendment of the gentleman from Wisconsin be accepted, and if it has to be raised a little, that can be taken care of in the Senate.

Mr. KEEFE. Yes. I have no objection to that. All I am interested in is seeing to it that this unlimited authority as provided by the amendment offered by the gentleman from Florida is not carried into this bill and that we as Members of Congress put some limitation upon this authority. My amendment accepts the position of the chairman of the committee in reference to what he thought the limitation should be, and I think the amendment should be unanimously supported.

Mr. MAGNUSON. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Washington.

Mr. MAGNUSON. Of course, we have no objection to the first figure, although the amount has never been quite determined. Our rough estimate is about \$30,000. This bill has passed the Senate and the matter will go to conference anyway and can be worked out. The gentleman, in offering an amendment limiting this bill, knows that if there is any money to be expended it has to go through the Appropriations Committee.

Mr. KEEFE. I understand it has to go before the Appropriations Committee ultimately, but I may say from my brief experience as a member of the Appropriations Committee that it has often been contended when Congress has acted on an authorization that that fact alone should have a powerful influence on the Appropriations Committee to make an appropriation for the amount authorized. That is why I would like to have this limitation put in.

Mr. DIMOND. Will the gentleman yield?

Mr. KEEFE. I yield to the Delegate from Alaska.

Mr. DIMOND. I think there has been some confusion as to the amount of \$30,000. The only time I heard \$30,000 mentioned in the hearings on this bill was in the testimony of Governor Gruening, of Alaska, when he was asked as to the possible value of the property to be purchased of the Mount McKinley Tourist & Transportation Co., and he said, as I now

recall, that it would, in his judgment, be about \$30,000. That \$30,000 mentioned in the hearings did not take into consideration at all the cost of any lodges or structures of any kind for the accommodation of visitors to Mount McKinley National Park.

Mr. KEEFE. May I suggest to the gentleman, it seems to me, in view of that statement, if it be the fact, the whole bill ought to be sent back to the committee and then that committee report something that we can understand.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KEEFE] to the amendment offered by the gentleman from Florida [Mr. GREEN].

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 81, noes 54.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GREEN], as amended.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 95, noes 43.

So the amendment was agreed to.

Mr. GREEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. GREEN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. JONES of Ohio) there were—ayes 106, noes 81.

Mr. DWORSHAK. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Obviously there is not a quorum present.

The Doorkeeper will close the doors; the Sergeant at Arms will notify the absent Members; and the Clerk will call the roll.

The question was taken; and there were—yeas 173, nays 170, not voting 86, as follows:

[Roll No. 39]

YEAS—173

Allen, Pa.	Claypool	Eberhart	Harrington
Anderson, Mo.	Cochran	Edelstein	Hart
Angell	Coffee, Wash.	Edmiston	Harter, Ohio
Beam	Cole, Md.	Ellis	Havenner
Beckworth	Cooper	Evans	Healey
Bell	Cox	Fernandez	Hendricks
Bland	Crosser	Fitzpatrick	Hennings
Bloom	Crowe	Flaherty	Hill
Bradley, Pa.	Cullen	Flannagan	Hook
Brewster	D'Alessandro	Flannery	Houston
Brown, Ga.	Darden	Ford, Leland M.	Hunter
Bryson	Davis	Ford, Thomas F.	Izac
Buckler, Minn.	Delaney	Gathings	Jacobsen
Burch	Dempsey	Gearhart	Jarman
Burdick	Dickstein	Geyer, Calif.	Johnson, Luther A.
Byron	Dingell	Gibbs	Johnson, Lyndon
Camp	Dondero	Gore	Johnson, Okla.
Cannon, Fla.	Doxey	Gossett	Kee
Cartwright	Drewry	Grant, Ala.	Kefauver
Celler	Duncan	Green	Keller
Chapman	Dunn	Gregory	Kennedy, Martin

Kennedy, Md.	May	Randolph	Spence
Keogh	Mills, Ark.	Rayburn	Sutphin
Kerr	Mills, La.	Richards	Sweeney
Kirwan	Monroney	Robertson	Tarver
Kocialkowski	Mott	Robinson, Utah	Tenerowicz
Larrabee	Murdock, Ariz.	Romjue	Thomas, Tex.
Lea	Murdock, Utah	Sacks	Thomason
Leavy	Myers	Sasser	Tolan
Lesinski	Nelson	Schaefer, Ill.	Vinson, Ga.
Lewis, Colo.	Nichols	Schuetz	Voorhis, Calif.
Luce	Norton	Schulte	Walter
Lynch	O'Connor	Schwert	Ward
McAndrews	O'Day	Scrugham	Warren
McCormack	Oliver	Secrest	Weaver
McGranery	Parsons	Seger	Weich
McKeough	Patman	Shanley	Whelchel
McLaughlin	Patrick	Sheppard	White, Idaho
McMillan, Clara G.	Patton	Sheridan	Williams, Mo.
McMillan, John L.	Peterson, Fla.	Smith, Conn.	Woodrum, Va.
Magnuson	Pierce	Smith, Wash.	Zimmerman
Mahon	Poage	Snyder	
Marcantonio	Rabaut	South	
Massingale	Ramspeck	Sparkman	

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Alexander	Elliott	Kean	Robison, Ky.
Allen, Ill.	Engel	Keefe	Rockefeller
Allen, La.	Englebright	Kilburn	Rodgers, Pa.
Andersen, H. Carl	Fenton	Kilday	Rogers, Mass.
Anderson, Calif.	Fish	Kinzer	Rogers, Okla.
Arends	Folger	Kitchens	Rutherford
Arnold	Ford, Miss.	Kunkel	Sandager
Austin	Fulmer	Lambertson	Schafer, Wis.
Ball	Gamble	Landis	Schiffler
Bates, Mass.	Gartner	Lanham	Secombe
Bender	Gerlach	LeCompte	Shafer, Mich.
Boehne	Gilchrist	Lewis, Ohio	Short
Bolton	Gillie	Ludlow	Simpson
Boren	Graham	McDowell	Smith, Maine
Bradley, Mich.	Grant, Ind.	McGehee	Smith, Ohio
Brooks	Griffith	McGregor	Springer
Brown, Ohio	Gross	McLeod	Stefan
Bulwinkle	Guyer, Kans.	Maas	Sumner, Ill.
Burgin	Gwynne	Marshall	Sumners, Tex.
Byrns, Tenn.	Hall, Edwin A.	Martin, Iowa	Taber
Cannon, Mo.	Hall, Leonard W.	Martin, Mass.	Talle
Carlson	Halleck	Mason	Terry
Carter	Hancock	Michener	Thill
Chipherfield	Harness	Monkiewicz	Thomas, N. J.
Church	Harter, N. Y.	Moser	Thorkelson
Clason	Hartley	Mundt	Tibbott
Clevenger	Hawks	Murray	Tinkham
Cluett	Hinshaw	Norrell	Treadway
Coffee, Nebr.	Hobbs	O'Brien	Van Zandt
Cole, N. Y.	Hoffman	O'Neal	Vincent, Ky.
Collins	Holmes	Osmers	Vorys, Ohio
Colmer	Hope	Pace	Vreeland
Corbett	Horton	Pearson	Wadsworth
Costello	Jeffries	Plumley	Whittington
Cravens	Jenkins, Ohio	Polk	Wigglesworth
Crawford	Jenks, N. H.	Powers	Williams, Del.
Culkin	Jennings	Rankin	Winter
Curtis	Jensen	Reece, Tenn.	Wolcott
Dirksen	Johnson, Ill.	Reed, Ill.	Wolfenden, Pa.
Disney	Johnson, Ind.	Reed, N. Y.	Wolverton, N. J.
Durham	Johnson, W. Va.	Rees, Kans.	Woodruff, Mich.
Dworshak	Jones, Ohio	Rich	
	Jonkman	Risk	

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Andresen, A. H.	Cummings	Jones, Tex.	Routzohn
Andrews	Darrow	Kelly	Ryan
Barden	DeRouen	Kennedy, Michael	Sabath
Barnes	Dies	Kleberg	Satterfield
Barry	Ditter	Knutson	Shannon
Barton	Doughton	Kramer	Smith, Ill.
Bates, Ky.	Douglas	Lemke	Smith, Va.
Boland	Eaton	McArdle	Smith, W. Va.
Bolles	Elston	McLean	Somers, N. Y.
Boykin	Faddis	Maclejewski	Starnes, Ala.
Buck	Fay	Maloney	Steagall
Buckley, N. Y.	Ferguson	Mansfield	Stearns, N. H.
Byrne, N. Y.	Fries	Martin, Ill.	Sullivan
Caldwell	Garrett	Merritt	Taylor
Case, S. Dak.	Gavagan	Miller	Wallgren
Casey, Mass.	Gehrmann	Mitchell	West
Clark	Gifford	Mouton	Wheat
Connery	Hare	O'Leary	White, Ohio
Cooley	Hess	O'Toole	Wood
Courtney	Hull	Peterson, Ga.	Youngdahl
Creal	Jarrett	Pfeifer	
Crowther	Johns	Pittenger	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Toole (for) with Mr. Pittenger (against).  
 Mr. Casey of Massachusetts (for) with Mr. Douglas (against).  
 Mr. Sullivan (for) with Mr. McLean (against).  
 Mr. Ferguson (for) with Mr. Hull (against).  
 Mr. Somers of New York (for) with Mr. Darrow (against).  
 Mr. Creal (for) with Mr. Hess (against).  
 Mr. Pfeifer (for) with Mr. Hare (against).



Mr. Barnes (for) with Mr. Ditter (against).  
 Mr. Gavagan (for) with Mr. Jarrett (against).  
 Mr. Maciejewski (for) with Mr. Wheat (against).  
 Mr. Michael J. Kennedy (for) with Mr. Eaton (against).  
 Mr. Maloney (for) with Mr. White of Ohio (against).  
 Mr. O'Leary (for) with Mr. Youngdahl (against).  
 Mr. Fay (for) with Mr. Stearns of New Hampshire (against).

#### General pairs:

Mr. Doughton with Mr. Gifford.  
 Mr. Mansfield with Mr. Barton.  
 Mr. Satterfield with Mr. Knutson.  
 Mr. Cooley with Mr. Elston.  
 Mr. Caldwell with Mr. August H. Andresen.  
 Mr. Boland with Mr. Bolles.  
 Mr. Kleberg with Mr. Miller.  
 Mr. West with Mr. Case of South Dakota.  
 Mr. Jones of Texas with Mr. Andrews.  
 Mr. Steagall with Mr. Gehrmann.  
 Mr. Barry with Mr. Crowther.  
 Mr. Merritt with Lemke.  
 Mr. Smith of Virginia with Mr. Routzohn.  
 Mr. Starnes of Alabama with Mr. Johns.  
 Mr. Taylor with Mr. Courtney.  
 Mr. Wood with Mr. Byrne of New York.  
 Mr. Wallgren with Mr. Garrett.  
 Mr. Kramer with Mr. Ryan.  
 Mr. Faddis with Mr. Buck.  
 Mr. Barden with Mr. McCardle.  
 Mr. Martin of Illinois with Mr. Connery.  
 Mr. Boykin with Mr. Kelly.  
 Mr. Sabath with Mr. Cummings.  
 Mr. Smith of Illinois with Mr. DeRouen.  
 Mr. Fries with Mr. Smith of West Virginia.  
 Mr. Dies with Mr. Shannon.  
 Mr. Bates of Kentucky with Mr. Mouton.  
 Mr. Peterson of Georgia with Mr. Clark.

Mr. SECREST changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will continue the call of committees.

Mr. RAYBURN (after the Committee on Mines and Mining was called). Mr. Speaker, I ask unanimous consent that further proceedings under the call of committees may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. MANSFIELD (at the request of Mr. LUTHER A. JOHNSON), for 10 days, on account of illness.

To Mr. STARNES of Alabama (at the request of Mr. HOBBS), indefinitely, on account of official business necessitating his personal presence in his district.

To Mr. PETERSON of Georgia, for the remainder of the week, on account of official business.

#### EXTENSION OF REMARKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the bill just passed, and include therein certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole on the bill just passed and include therein short excerpts.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an extract from the Hungarian Society and another from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Association of Retired Railway Employees on the Wheeler-Lea bill.

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The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that in the extension of my remarks yesterday on the Interior Department appropriation bill I may include excerpts from the Annual Report of the Governor of the Virgin Islands, excerpts from the Budget of the Philippine Islands, excerpts from the hearings on H. R. 4773, and a copy of correspondence received from the legislative representative of the Virgin Islands.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial which appeared in the Ohio State Journal of March 5.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Fort Wayne News-Sentinel on Mad Anthony Wayne.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole this afternoon, and I also ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a speech by Hon. ROBERT A. TAFT.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1785. An act to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2157. An act for the relief of George H. Elswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the Finance Department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam-site and reservoir purposes in connection with the River-ton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Thursday, March 7, 1940, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 7, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of \$50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 o'clock a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 o'clock a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Thursday, April 4, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, April 4, 1940, at 10 o'clock a. m. on the following bill: H. R. 7637, relative to liability of vessels in collision.

#### COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States," and for other purposes.

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

#### COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1430. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of \$500,000 (H. Doc. No. 650); to the Committee on Appropriations and ordered to be printed.

1431. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939; to the Committee on Claims.

1432. A letter from the Secretary of the Interior, chairman of the Migratory Bird Conservation Commission, transmitting the report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1939 (H. Doc. No. 651); to the Committee on Agriculture and ordered to be printed.



# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MURDOCK of Arizona: Committee on Irrigation and Reclamation. H. R. 8498. A bill to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in 20 annual installments, and for other purposes; with amendment (Rept. No. 1712). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. H. R. 8642. A bill to establish and promote the use of standard methods of grading cottonseed, to provide for the collection and dissemination of information on prices and grades of cottonseed and cottonseed products, and for other purposes; without amendment (Rept. No. 1713). Referred to the Committee of the Whole House on the state of the Union.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LUTHER A. JOHNSON: Committee on Foreign Affairs. H. R. 8530. A bill for the relief of Esther Cottingham Grab; without amendment (Rept. No. 1714). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3738) for the relief of Willard Twitchell; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8707) for the relief of William T. J. Ryan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANDOLPH:

H. R. 8788. A bill to provide for the creation of the Harpers Ferry National Historical Park, in the States of West Virginia, Maryland, and Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. BUCKLER of Minnesota:

H. R. 8789. A bill for the benefit of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. DURHAM:

H. R. 8790. A bill to provide for the transmission of postal cards by air mail; to the Committee on the Post Office and Post Roads.

By Mr. HEALEY:

H. R. 8791. A bill to amend the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended; to the Committee on Agriculture.

By Mr. RANDOLPH:

H. R. 8792. A bill to authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department; to the Committee on the District of Columbia.

H. R. 8793. A bill to provide for the regulation of the business of fire, marine, casualty, and title insurance, and for other purposes; to the Committee on the District of Columbia.

By Mr. THILL:

H. R. 8794. A bill to allow certain credits against the income of individuals for income-tax purposes; to the Committee on Ways and Means.

By Mr. COOLEY:

H. R. 8795. A bill to reduce interest rates on loans on veterans' life insurance; to the Committee on World War Veterans' Legislation.

By Mr. EDWIN A. HALL:

H. R. 8796. A bill to divest certain activities of their interstate character; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 8797 (by request). A bill to amend the National Defense Act, and for other purposes; to the Committee on Military Affairs.

H. R. 8798. A bill to prevent retardation in promotion and in pay and allowances of permanent professors of the United States Military Academy appointed by the President from the commissioned officers of the Regular Army; to the Committee on Military Affairs.

By Mr. SECCOMBE:

H. R. 8799. A bill to provide for the repair and preservation of the McKinley Memorial in the State of Ohio; to the Committee on the Library.

By Mr. TOLAN:

H. R. 8800. A bill to provide for grants to the States for needy disabled adults; to the Committee on Ways and Means.

By Mr. DEROUEN:

H. R. 8801 (by request). A bill to amend section 3 of title 43 of the United States Code; to the Committee on the Public Lands.

By Mr. HEALEY:

H. Res. 413. Resolution for the investigation of the American fishing industry; to the Committee on Rules.

By Mr. RANKIN:

H. Res. 414. Resolution authorizing the printing of the National Electric Rate Book, published by the Federal Power Commission, as a House document; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIES:

H. R. 8802. A bill for the relief of Charles W. Coleman; to the Committee on Military Affairs.

H. R. 8803. A bill for the relief of A. A. Martinez; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 8804. A bill for the relief of Sgt. J. D. Davis; to the Committee on War Claims.

H. R. 8805. A bill for the relief of Robert Clyde Scott; to the Committee on Military Affairs.

By Mr. GORE:

H. R. 8806. A bill authorizing the President of the United States to appoint Sgt. Alvin C. York as a colonel in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. JOHNSON of Oklahoma:

H. R. 8807. A bill for the relief of Thomas J. Morris; to the Committee on Claims.

By Mr. JOHNSON of West Virginia:

H. R. 8808. A bill for the relief of J. W. and Robert W. Gillespie; to the Committee on Claims.

By Mr. KENNEDY of Maryland:

H. R. 8809 (by request). A bill for the relief of Capt. Thomas R. Clark; to the Committee on Claims.

By Mr. McLAUGHLIN:

H. R. 8810. A bill for the relief of Daisy Fitzpatrick; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 8811. A bill granting a pension to L. A. Ragan; to the Committee on Invalid Pensions.

By Mr. WALTER:

H. R. 8812. A bill granting jurisdiction to the Court of Claims to hear, determine, and render judgment upon certain claims arising out of the acquisition by the United States of seven Austrian merchant vessels; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6806. By Mr. BOLLES: Petition of sundry citizens of Janesville, Wis., favoring the passage of the Neely bill (S. 280) to stop compulsory block booking; to the Committee on Interstate and Foreign Commerce.

6807. Also, petition of sundry citizens of Monroe and Racine, Wis., supporting the Federal chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6808. By Mr. GAVAGAN: Petition of the United Irish-American Societies of New York, opposing the adoption of the proposed St. Lawrence Waterway treaty; to the Committee on Foreign Affairs.

6809. By Mr. LUTHER A. JOHNSON: Petition of J. D. Martin, Jr., secretary-treasurer of the Texas Hardware and Implement Association, Bryan, Tex., favoring House bill 8045, providing for an amendment to the Fair Labor Standards Act; to the Committee on Labor.

6810. By Mr. MARTIN J. KENNEDY: Petition of the New York State Federation of Women's Clubs of Mount Morris, N. Y., expressing opposition to the St. Lawrence seaway project; to the Committee on Interstate and Foreign Commerce.

6811. By Mr. KEOGH: Petition of the Rugby Masonic Club, No. 771, Brooklyn, N. Y., protesting against importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6812. Also, petition of the Ladies Auxiliary of the Rugby Masonic Club, Brooklyn, N. Y., protesting against the importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6813. Also, petition of the National Woman's Party, Industrial Council, New York City committee, concerning the equal-rights amendment to the Constitution; to the Committee on the Judiciary.

6814. By Mr. RICH: Petition of sundry citizens of Bradford, Pa., protesting against the shipment of war supplies to Japan; to the Committee on Foreign Affairs.

6815. By Mr. TENEROWICZ: Resolutions adopted at a mass meeting under auspices of Rochester Polish Relief Committee, protesting against the conduct of the German and Russian Governments in Polish territories now administered by them; to the Committee on Foreign Affairs.

6816. By the SPEAKER: Petition of the New York State Waterways Association, Inc., Albany, N. Y., petitioning consideration of their resolution with reference to the St. Lawrence seaway and power project at Albany, N. Y.; to the Committee on Foreign Affairs.

## SENATE

THURSDAY, MARCH 7, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Edward H. Pruden, D. D., pastor of the First Baptist Church, Washington, D. C., offered the following prayer:

Our Father, we thank Thee that Thou art the God of our fathers and our God, and, even as Thou didst lead them in the days that are gone, Thou wilt lead us today in the midst of a world so much in need of the spirit of the Prince of Peace. We pray Thee that we may do our utmost to make that spirit a reality in the hearts of men. May Thy spirit guide and direct us in all things. Through Jesus Christ, our Lord. Amen.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 6, 1940, was dispensed with, and the Journal was approved.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 4368) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

- S. 263. An act for the relief of George R. Morris;
- S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;
- S. 2157. An act for the relief of George H. Eiswald;
- S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;
- S. 2299. An act for the relief of Hubert Richardson;
- S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;
- S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;
- S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;
- S. 2973. An act for the relief of Inez Gillespie; and
- S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

## CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bailey	Gillette	McKellar	Smith
Bankhead	Glass	McNary	Stewart
Barbour	Green	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Brown	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Byrd	Hatch	Neely	Townsend
Byrnes	Hayden	Norris	Truman
Capper	Herring	Nye	Trydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	
Davis	King	Russell	
Downey	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from Texas [Mr. SHEPPARD] are detained on important public business.

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent from the Senate because of illness.

Mr. RUSSELL. My colleague [Mr. GEORGE] is unavoidably detained.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.